

# Exhibit 1A

1  
2 UNITED STATES DISTRICT COURT  
3 SOUTHERN DISTRICT OF NEW YORK  
4 -----X

5 SANDRA GUZMAN,

6 Plaintiff,

NO. 09 CIV. 9323 (BSJ) (RLE)

7 VS.

8 NEWS CORPORATION, NYP  
9 HOLDINGS, INC., d/b/a THE  
10 NEW YORK POST, and COL ALLAN,  
in his official and individual  
Capacities,

11 Defendants.  
12 -----X

13 VIDEOTAPED DEPOSITION  
14 OF

15 SANDRA GUZMAN

16 New York, New York

17 Thursday, October 13, 2011  
18  
19

20 Reported by:

21 AYLETTE GONZALEZ, CLR

22 JOB NO. 42950  
23  
24  
25

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<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 A. Did I read them while I was in the</p> <p>3 process? Some of them I have, yeah.</p> <p>4 Q. And do they contain evidence of</p> <p>5 sexual harassment?</p> <p>6 A. I'm sorry, I don't recall if they</p> <p>7 do.</p> <p>8 Q. Did anybody besides you write in</p> <p>9 these notebooks?</p> <p>10 A. No.</p> <p>11 Q. Have you ever shown them to anybody</p> <p>12 besides giving them to your lawyer this</p> <p>13 morning?</p> <p>14 A. No.</p> <p>15 Q. Have you ever shown them to your</p> <p>16 lawyer before?</p> <p>17 A. I discovered this morning I hadn't.</p> <p>18 They were not part of the original.</p> <p>19 Q. Have you ever read from them to</p> <p>20 your lawyer?</p> <p>21 A. Read from them?</p> <p>22 Q. Yes.</p> <p>23 A. To my lawyer, yes.</p> <p>24 Q. And when did you do that?</p> <p>25 A. This morning.</p>	<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 Q. In person or over the phone?</p> <p>3 A. In person.</p> <p>4 Q. Were you here or somewhere else?</p> <p>5 A. I was here.</p> <p>6 Q. Was it before or after the</p> <p>7 beginning of your deposition?</p> <p>8 A. It was after.</p> <p>9 Q. And what was the material that you</p> <p>10 read?</p> <p>11 A. I read from the material. What I</p> <p>12 read was about a guidance conference I was</p> <p>13 going to speak at, and some of the remarks I</p> <p>14 was going to give. And one of the passages</p> <p>15 that I was going to talk to women about was</p> <p>16 how to be -- that it's important to be</p> <p>17 impeccable with your words because the</p> <p>18 universe will respond in kind. I read some</p> <p>19 meditations that I had been reciting.</p> <p>20 Q. Have you ever made copies of these</p> <p>21 books?</p> <p>22 A. No.</p> <p>23 Q. And you understand it's important</p> <p>24 to be impeccable with your words at this</p> <p>25 deposition; do you not?</p>
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<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 A. Here and anywhere.</p> <p>3 Q. Yet, you changed your testimony</p> <p>4 several times as you've been sitting here.</p> <p>5 MR. THOMPSON: Objection.</p> <p>6 A. How so?</p> <p>7 Q. Do you think you've been impeccable</p> <p>8 with your words at this deposition?</p> <p>9 A. I have.</p> <p>10 Q. You think that being asked if you</p> <p>11 kept journals and answering no was being</p> <p>12 impeccable with your words?</p> <p>13 A. I answered no because I</p> <p>14 misunderstood, in my mind, what the question</p> <p>15 was.</p> <p>16 As I said, I thought you meant the</p> <p>17 traditional way of keeping journals and I</p> <p>18 should have asked you can you please explain</p> <p>19 what you mean.</p> <p>20 Q. So, as I understand your testimony</p> <p>21 a moment ago, you did review these notebooks</p> <p>22 back in late 2009 when the Complaint in this</p> <p>23 case was being drafted, correct?</p> <p>24 A. Yes.</p> <p>25 Q. And did you provide information to</p>	<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 your lawyer that came from those notebooks in</p> <p>3 connection with the drafting of the Complaint?</p> <p>4 A. I don't remember. I know that I</p> <p>5 provided my lawyer with a lot of information.</p> <p>6 Some of it was from those notebooks and</p> <p>7 other -- others were from my experiences that</p> <p>8 I personally experienced.</p> <p>9 Q. What is the information that came</p> <p>10 from the notebooks that you supplied?</p> <p>11 A. I don't recall. I don't recall.</p> <p>12 Oh, wait a minute, I just</p> <p>13 remembered there are -- these notebooks that I</p> <p>14 jotted down that Col Allan was looking down at</p> <p>15 demonstrators who were protesting a racist</p> <p>16 monkey cartoon. And he told Ebony Clark and</p> <p>17 Ebony Clark told me that the people who were</p> <p>18 protesting outside were minorities and</p> <p>19 uneducated anyway. So I recall that that</p> <p>20 was -- now, I'm not sure if it's in those 13</p> <p>21 notebooks or other notebooks that I gave to my</p> <p>22 attorneys.</p> <p>23 Q. Other than the 13 notebooks, how</p> <p>24 many other notebooks did you give to your</p> <p>25 attorneys?</p>

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<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 Q. And The Post publishes stories</p> <p>3 about -- well, withdrawn.</p> <p>4 The Post is a tabloid newspaper,</p> <p>5 correct?</p> <p>6 A. Yes.</p> <p>7 Q. It publishes stories about crime,</p> <p>8 right?</p> <p>9 A. Yes.</p> <p>10 Q. Celebrities?</p> <p>11 A. Yes.</p> <p>12 Q. News and business, right?</p> <p>13 A. Yes.</p> <p>14 Q. Some of the stories that it</p> <p>15 publishes are stories that have -- can have</p> <p>16 sensational aspects to them, correct?</p> <p>17 A. Yes.</p> <p>18 Q. And these were editorial meetings</p> <p>19 to decide what to publish, what angles to</p> <p>20 pursue about these stories, correct?</p> <p>21 A. Yes.</p> <p>22 Q. It was necessary for people to</p> <p>23 express their ideas about the stories</p> <p>24 candidly, correct?</p> <p>25 A. Yes.</p>	<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 Q. Do you know derogatory words for --</p> <p>3 that have been used for Hispanic Americans?</p> <p>4 A. Yes.</p> <p>5 Q. Did you ever hear anybody called a</p> <p>6 derogatory word that's used for Hispanic</p> <p>7 Americans used during those editorial</p> <p>8 meetings?</p> <p>9 A. Yes.</p> <p>10 Q. What did you hear?</p> <p>11 A. So, for instance, there's a story</p> <p>12 here.</p> <p>13 MR. THOMPSON: Let the record</p> <p>14 reflect the witness is talking about</p> <p>15 Guzman Exhibit 7.</p> <p>16 A. On Pedro Martinez who was a major</p> <p>17 league pitcher, an ace pitcher. And he was --</p> <p>18 they made -- the sports editor talked about</p> <p>19 Pedro potentially getting surgery. And the</p> <p>20 editor said if there are any crimes in New</p> <p>21 York City, check them out, it might be Pedro;</p> <p>22 referring to Pedro Martinez as a criminal.</p> <p>23 Q. Well, I asked you if you were aware</p> <p>24 of derogatory names for that had been used for</p> <p>25 Hispanics.</p>
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<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 A. Well.</p> <p>3 Q. I didn't hear that in your answer,</p> <p>4 and I'm going to move to strike the answer.</p> <p>5 MR. THOMPSON: Objection.</p> <p>6 Q. My question is, for example, did</p> <p>7 you ever hear the term "spic", S-P-I-C used in</p> <p>8 these meetings?</p> <p>9 A. No, I use -- when you equate a</p> <p>10 major league baseball player to a criminal, if</p> <p>11 the story had been about Andy Pettit.</p> <p>12 Q. What page were you looking at?</p> <p>13 A. I was looking at page 347. You</p> <p>14 asked me if I heard the word, "spic". No.</p> <p>15 Q. What is offensive to you about --</p> <p>16 MR. THOMPSON: She wasn't</p> <p>17 finished.</p> <p>18 A. If you equate a Hispanic ballplayer</p> <p>19 who's going to probably be inducted into the</p> <p>20 Baseball Hall of Fame as a criminal, to me,</p> <p>21 that is discrimination.</p> <p>22 Q. Okay.</p> <p>23 If that had been said about Andy</p> <p>24 Pettit, as you just brought up a moment ago,</p> <p>25 would that be discrimination against white</p>	<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 males?</p> <p>3 A. I would not have considered that</p> <p>4 discrimination against white males.</p> <p>5 Q. And if it had been said against --</p> <p>6 if it would have been said about a person of</p> <p>7 Chinese ancestry, would you consider that</p> <p>8 discrimination against a Chinese person?</p> <p>9 A. Yes. There's actually -- when you</p> <p>10 mentioned Chinese, there's a reference to a --</p> <p>11 Q. Ms. Guzman, the question is would</p> <p>12 you have considered that discrimination</p> <p>13 against a Chinese person.</p> <p>14 A. Yes.</p> <p>15 Q. You would have.</p> <p>16 Is there -- did Mr. Allan, when he</p> <p>17 made that remark, mention Pedro Martinez's</p> <p>18 Latin American heritage?</p> <p>19 A. No, but he's referring to Pedro</p> <p>20 Martinez whose Latino, who is Dominican.</p> <p>21 Q. So, the fact that Pedro Martin is</p> <p>22 Latino, made you think that the comment by Col</p> <p>23 Allan must have been made because he is</p> <p>24 Latino?</p> <p>25 A. Yes.</p>

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1 SANDRA GUZMAN-10/13/11  
 2 Q. Just the fact that Pedro is Latino  
 3 makes you think that?  
 4 A. Yes. It wasn't the first time.  
 5 Q. What?  
 6 MR. THOMPSON: She's not finished.  
 7 A. It's not the first time he referred  
 8 to Pedro as a criminal at these morning  
 9 meetings.  
 10 Q. Well, maybe Mr. Allan thinks  
 11 Mr. Pedro Martinez has aspects of his public  
 12 personality that have -- that are -- that open  
 13 him up to that criticism.  
 14 A. Well, I think --  
 15 Q. Could that be true?  
 16 A. I think that I considered that a  
 17 discriminatory remark and it wasn't the first  
 18 time that Mr. Allan was referring to a major  
 19 league baseball player as a criminal.  
 20 On one occasion after I had secured  
 21 an exclusive interview with Mr. Martinez, he  
 22 asked me how it was. And I said it was great.  
 23 He said, did he have a machete or a gun. And  
 24 when you talk about machetes and switchblades  
 25 and Latinos, these are heavily charged,

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1 SANDRA GUZMAN-10/13/11  
 2 Q. Did understand -- did you know  
 3 Pedro Martinez was reported in that incident  
 4 to have made a hand gesture of a gun with a  
 5 trigger finger with his hand when he did that?  
 6 Did you know that?  
 7 A. No.  
 8 Q. You didn't know that was reported?  
 9 You interviewed Mr. Martinez two  
 10 months after that happened, and you didn't you  
 11 didn't -- you didn't Google Mr. Martinez and  
 12 see what was recently -- had recently been  
 13 written about him? No?  
 14 A. I'm sorry, what are you showing me?  
 15 Q. There's a question pending.  
 16 You didn't Google Mr. Martinez  
 17 before you interviewed him to see what had  
 18 been recently written about him?  
 19 A. I researched.  
 20 Q. Maybe your research would have  
 21 turned up Exhibit 11.  
 22 (Defendant's Guzman Exhibit 11,  
 23 New York Times article, dated  
 24 February 23, 2005, marked for  
 25 identification, as of this date.)

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1 SANDRA GUZMAN-10/13/11  
 2 racially tinged discriminatory code words.  
 3 So, I thought it was discriminatory.  
 4 Q. Did you ever hear Mr. Allan say  
 5 this remark about any other Latino person?  
 6 I'm going to remind you, you're  
 7 under oath.  
 8 A. Have I ever heard Mr. Allan say any  
 9 other remark about any other Latino equating a  
 10 Latino to a criminal?  
 11 Q. Yes.  
 12 A. No, but he has said that all  
 13 Latinos look alike.  
 14 Q. The answer is no, you haven't heard  
 15 Mr. Allan equate any other Latino besides  
 16 Pedro Martinez to a criminal, right?  
 17 A. No.  
 18 Q. And did you know that a few -- a  
 19 couple of months before you published your  
 20 interview of Pedro Martinez, Pedro Martinez  
 21 famously told a reporter that he'd blow the  
 22 reporter's head off for his catcher Mike  
 23 Piazza?  
 24 Did you know that?  
 25 A. No.

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1 SANDRA GUZMAN-10/13/11  
 2 Q. Can you take a look at that,  
 3 please.  
 4 MR. THOMPSON: Can you give us  
 5 extra copies for my associate?  
 6 Mr. Lerner, have you produced this  
 7 document to us? There's no Bates  
 8 number on it.  
 9 MR. LERNER: No, we haven't. It's  
 10 because we just found it on the  
 11 internet.  
 12 MR. THOMPSON: Okay. Take your  
 13 time and review it since they haven't  
 14 produced this document.  
 15 Let the record reflect that that  
 16 document Mr. Lerner has put before  
 17 Ms. Guzman is dated October 11, 2011.  
 18 He maintains he just found it on the  
 19 internet, but this document was  
 20 printed days ago.  
 21 Let the record reflect they have  
 22 not turned this over until 30 seconds  
 23 ago when they showed it to Ms. Guzman  
 24 for the very first time. And as her  
 25 attorney, we have never seen this

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<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 with your head bowed like peasants made famous</p> <p>3 by the artist, Diego Rivera? Did you write</p> <p>4 that?</p> <p>5 A. Yes.</p> <p>6 Q. And that you have learned over time</p> <p>7 to challenge those in positions of power when</p> <p>8 you are not treated fairly?</p> <p>9 A. Yes.</p> <p>10 Q. And you believe that? You live by</p> <p>11 that, right?</p> <p>12 A. Yes.</p> <p>13 Q. Do you recall making an allegation</p> <p>14 that you saw a photograph of a naked man on</p> <p>15 Col Allan's Blackberry on one occasion?</p> <p>16 A. Yes.</p> <p>17 Q. I'd like to show you some pages</p> <p>18 that ran in The New York Post. They're Guzman</p> <p>19 Exhibit 9, and they're NYP '574 through '576?</p> <p>20 (Defendant's Guzman Exhibit 9,</p> <p>21 document bearing Bates numbers NYP</p> <p>22 '574 through '576, marked for</p> <p>23 identification, as of this date.)</p> <p>24 Q. Ms. Guzman, these are pages from</p> <p>25 The Post, Thursday, September 25, 2008. Have</p>	<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 you had a chance to look at this?</p> <p>3 A. Yes.</p> <p>4 Q. Do you recall this story running in</p> <p>5 The New York Post in 2008?</p> <p>6 A. Yes.</p> <p>7 Q. It's a story about a man who was</p> <p>8 standing naked on a ledge acting in a mentally</p> <p>9 imbalanced manner who was Tasered by the</p> <p>10 police which -- and then fell to his death as</p> <p>11 a result, right?</p> <p>12 A. Yes.</p> <p>13 Q. Is the photograph -- is one of the</p> <p>14 photographs here in this story, the photograph</p> <p>15 that you saw on Col Allan's Blackberry during</p> <p>16 the incident that you described?</p> <p>17 A. No.</p> <p>18 Q. It's not?</p> <p>19 A. No.</p> <p>20 Q. What did you see on Col Allan's</p> <p>21 Blackberry?</p> <p>22 Let's back up. Can I have the</p> <p>23 Complaint, please.</p> <p>24 MR. KENNEDY: Exhibit 3?</p> <p>25 Q. Ms. Guzman, is the man -- other</p>
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<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 than the fact the photograph is altered, is</p> <p>3 the man, Iman Morales, who was the man who</p> <p>4 died in this incident, was the picture you saw</p> <p>5 on Col Allan's Blackberry a photograph of Iman</p> <p>6 Morales?</p> <p>7 A. No.</p> <p>8 Q. If you could open up the Complaint</p> <p>9 to paragraph 35 on page 8. Page -- paragraph</p> <p>10 35 says that, "By way of example only, on one</p> <p>11 occasion when Ms. Guzman and three female</p> <p>12 employees of The Post were sharing drinks at</p> <p>13 after work function, Defendant, Allan,</p> <p>14 approached a group of women, pulled out his</p> <p>15 Blackberry and asked what do you think of</p> <p>16 this? On his Blackberry was a picture of a</p> <p>17 naked man lewdly and openly displaying his</p> <p>18 penis. Ms. Guzman, and the other female</p> <p>19 employees expressed their shock and disgust at</p> <p>20 being made to view the picture and Defendant,</p> <p>21 Allan, just smirked."</p> <p>22 Can you describe the photograph</p> <p>23 that you're referring to in paragraph 35 of</p> <p>24 the Complaint?</p> <p>25 A. It's a photograph of a naked man --</p>	<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 frontal naked man with his penis exposed and</p> <p>3 it was a photograph that was on Governor</p> <p>4 McGreevey's wall that was part of evidence in</p> <p>5 his divorce proceedings.</p> <p>6 And the photograph was -- I felt</p> <p>7 offended by it and shocked and demeaned that</p> <p>8 the editor of the newspaper, my boss, would</p> <p>9 show me a naked picture of a man with his</p> <p>10 genitalia exposed.</p> <p>11 Q. Did you express shock to Mr. Allan</p> <p>12 at that time?</p> <p>13 A. Yes.</p> <p>14 Q. How did you express shock?</p> <p>15 A. I told him that that was creepy.</p> <p>16 Q. And were you there at this occasion</p> <p>17 with Danika Lowe, Lacey Brown and Kristin</p> <p>18 Flemming?</p> <p>19 A. Yes.</p> <p>20 Q. Did Col Allan ever show you a</p> <p>21 picture of Iman Morales, the man depicted in</p> <p>22 Exhibit 9, on his Blackberry?</p> <p>23 A. No.</p> <p>24 Q. So, there was only one occasion</p> <p>25 when Col Allan showed a photograph to you on</p>



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<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 his Blackberry of a naked man?</p> <p>3 A. Unprovoked? It was only one</p> <p>4 occasion. It was unprovoked and I found it</p> <p>5 demeaning. I found it disgusting that the</p> <p>6 boss, the editor, for no apparent reason would</p> <p>7 just flash out his Blackberry and show me a</p> <p>8 photograph of a naked man.</p> <p>9 Q. Ms. Guzman --</p> <p>10 A. I'm sorry.</p> <p>11 Q. I'm trying to establish what</p> <p>12 picture it is that you saw, so we're all</p> <p>13 talking about the same thing.</p> <p>14 A. Okay. It wasn't Iman Morales.</p> <p>15 Q. Because have you reviewed the</p> <p>16 Affidavit that was submitted by Danika Lowe in</p> <p>17 this case?</p> <p>18 A. Yes.</p> <p>19 Q. And Ms. Lowe recalls being with you</p> <p>20 when Mr. Allan showed a picture on his</p> <p>21 Blackberry of Iman Morales, correct?</p> <p>22 A. She must be confused.</p> <p>23 Q. That's what she wrote in her</p> <p>24 Affidavit, right?</p> <p>25 A. Yes.</p>	<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 Q. And in what way do you think she</p> <p>3 must be confused?</p> <p>4 A. Maybe he has a habit of showing</p> <p>5 female co-workers, his staffers, naked</p> <p>6 pictures of men.</p> <p>7 Q. And is it possible that you're</p> <p>8 confused that the photograph that you saw was</p> <p>9 the photograph of Iman Morales?</p> <p>10 A. Absolutely not. Absolutely not.</p> <p>11 Q. Why didn't you say, in your</p> <p>12 Affidavit, what the -- who the photograph --</p> <p>13 what the source of the photograph was or in</p> <p>14 your Complaint?</p> <p>15 A. I wasn't specific. I said that he</p> <p>16 showed me a picture of a naked man. There are</p> <p>17 a lot of specifics I didn't write in my</p> <p>18 Federal Complaint.</p> <p>19 Q. And if Ms. Lowe has no recollection</p> <p>20 of ever seeing a photograph, other than that</p> <p>21 of Ms. -- of Mr. Morales on Col Allan's</p> <p>22 Blackberry, you think the explanation is that</p> <p>23 she must be confused?</p> <p>24 A. Or lying.</p> <p>25 Q. You understand that when she filled</p>
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<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 out and executed that Affidavit, she was not</p> <p>3 an employee of The Post?</p> <p>4 A. She was there.</p> <p>5 Q. She was not an employee of The Post</p> <p>6 at the time she executed her Affidavit?</p> <p>7 A. Right. She was not an employee at</p> <p>8 The Post. I understand that. At the time she</p> <p>9 was -- at the time that Mr. Allan showed me</p> <p>10 the picture and Lacey Brown and Kristin</p> <p>11 Flemming, Danika Lowe was an employee of The</p> <p>12 New York Post. In fact, yeah.</p> <p>13 Q. And was -- and was Danika Lowe</p> <p>14 present?</p> <p>15 A. Yes.</p> <p>16 Q. And Kristin Flemming was present?</p> <p>17 A. Yes.</p> <p>18 Q. And Lacey Brown was present?</p> <p>19 A. Yes.</p> <p>20 Q. And you were present?</p> <p>21 A. Yes.</p> <p>22 Q. And where did this take place?</p> <p>23 A. At a place called Lanigan's.</p> <p>24 Q. And how did -- and who else was</p> <p>25 present besides the four women that you've</p>	<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 just named, including yourself?</p> <p>3 A. In terms of who else was at this</p> <p>4 restaurant/bar?</p> <p>5 Q. Yes.</p> <p>6 A. There were lots of other people,</p> <p>7 but --</p> <p>8 Q. My question really is: Who was in</p> <p>9 the conversation in which the image was</p> <p>10 displayed on the Blackberry?</p> <p>11 A. Lacey Brown, Kristin Flemming,</p> <p>12 Danika Lowe and myself.</p> <p>13 Q. And presumably Col Allan was there?</p> <p>14 A. Col Allan came in after we were</p> <p>15 talking after work about stories -- after work</p> <p>16 conversation. Lacey Brown was my photo editor</p> <p>17 at one point, so we were catching up. And</p> <p>18 Mr. Allan walked in, I don't know, an hour</p> <p>19 later after we -- I really don't remember how</p> <p>20 long after we were there. We were there</p> <p>21 talking and he engaged us in conversation and</p> <p>22 out of the blue, Mr. Allan pulled out his</p> <p>23 Blackberry. So, those were the three other</p> <p>24 women who were present with me.</p> <p>25 Q. And who did he show it to first?</p>

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1 SANDRA GUZMAN-10/13/11  
 2 A. Me.  
 3 Q. And what conversation had you had  
 4 before he showed it to -- before he showed it  
 5 to you?  
 6 A. We were just talking about news of  
 7 the day. We were talking -- I don't really  
 8 remember. Maybe what would be the front page.  
 9 He would often talk about a news story that  
 10 was happening.  
 11 Q. Was McGreevey's divorce news at the  
 12 time?  
 13 A. McGreevey's divorce was news at the  
 14 time.  
 15 Q. And the evidence that was coming  
 16 out in connection with McGreevey's divorce was  
 17 news as well, right?  
 18 A. Yes.  
 19 Q. And the picture that McGreevey had  
 20 on the wall that became evidence in his case,  
 21 that was news as well, right?  
 22 A. Yes.  
 23 Q. And did that picture run in The New  
 24 York Post the next day?  
 25 A. It ran. It was an exclusive for

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1 SANDRA GUZMAN-10/13/11  
 2 he do with his Blackberry?  
 3 A. I gave it back to him.  
 4 Q. And then what happened?  
 5 A. He gave it to his assistant,  
 6 Kristin, who was on the other side of him.  
 7 Q. Well, did you tell Kristin what the  
 8 picture was of?  
 9 A. I was shocked.  
 10 Q. Did you tell Kristen what the  
 11 picture was of?  
 12 A. No, I was shocked. I was just  
 13 like, that's creepy.  
 14 Q. Well, if it offended you, didn't  
 15 you think it might offend the other women in  
 16 your group?  
 17 A. You have to understand that this is  
 18 shocking to me, that here is the editor in  
 19 chief of a newspaper showing his female  
 20 editors and writers a picture of a naked man.  
 21 I didn't know where that was coming from. I  
 22 was confused. I was -- I was shocked.  
 23 Q. Ms. Guzman, you gave a gift of a  
 24 sexual vibrator to a friend; did you not?  
 25 A. What are you talking about?

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1 SANDRA GUZMAN-10/13/11  
 2 the weekend paper. So, if it did not run the  
 3 next day, Friday, it must have run Saturday  
 4 with his genitalia covered. It was a full  
 5 page photograph that ran.  
 6 Q. And Mr. Allan gets these photos on  
 7 his Blackberry so he can make determinations  
 8 about publication or purchase --  
 9 MR. THOMPSON: Objection.  
 10 Q. -- correct?  
 11 A. I don't know why he gets naked  
 12 photographs. I'm assuming that that -- I  
 13 don't know why. I don't know why.  
 14 Q. Did he ask you your opinion about  
 15 the photograph?  
 16 A. No, he just showed it to me and  
 17 laughed and smirked.  
 18 Q. Did you -- and you were -- and you  
 19 were -- the conversation, you said, was about  
 20 what the headline might be the next day?  
 21 A. Um-hum.  
 22 Q. Did the headline the next day  
 23 relate to the McGreevey matter?  
 24 A. No, not that I --  
 25 Q. After he showed it to you, what did

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1 SANDRA GUZMAN-10/13/11  
 2 Q. You've given a vibrator as a gift  
 3 to a friend; did you not?  
 4 A. I'm not sure what you're talking  
 5 about.  
 6 Q. I want to understand what is  
 7 shocking about a photograph from a divorce  
 8 case that displays a naked man to somebody who  
 9 gives vibrators as gifts to their friends.  
 10 A. First of all, I don't know what  
 11 gift you're talking about, but if my boss --  
 12 what happens between my friends is between  
 13 friends; okay. It is my personal space  
 14 between girlfriends.  
 15 What happens in the workplace is  
 16 something completely different. So, if I have  
 17 my boss -- if I'm at a place having drinks and  
 18 talking and eating with my co-workers, my  
 19 female co-workers, and my boss comes to me and  
 20 shows me unprovoked and unexpected and  
 21 randomly, without telling me -- giving me a  
 22 sense of what this picture is about, it's very  
 23 different. It's very different.  
 24 Q. You wrote publicly about you giving  
 25 a vibrator as a gift?



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<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 A. Are you referring to my book?</p> <p>3 Q. Yes.</p> <p>4 A. You're referring to the sexuality</p> <p>5 chapter where I give women information on</p> <p>6 sexual health?</p> <p>7 Q. I'm referring to your public</p> <p>8 description of the fact that you've given</p> <p>9 vibrators as gifts.</p> <p>10 A. I write about sexual health, and if</p> <p>11 that's what you're referring to, yes.</p> <p>12 Q. You were not so shocked that you</p> <p>13 stopped your friend, Kristin Flemming, from</p> <p>14 looking at the picture, right?</p> <p>15 MR. THOMPSON: Objection.</p> <p>16 A. Okay. So, this is the boss. This</p> <p>17 is the editor in chief coming up to a group of</p> <p>18 his female employees and whipping out a</p> <p>19 Blackberry and asking us to view a picture of</p> <p>20 a naked man.</p> <p>21 Q. The question was; yes or no, you</p> <p>22 didn't stop Kristin Flemming from looking at</p> <p>23 it, right?</p> <p>24 A. I didn't stop her.</p> <p>25 Q. You didn't stopped Danika Lowe?</p>	<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 A. What I did was I gave him the</p> <p>3 Blackberry back. He gave them the Blackberry.</p> <p>4 He gave his assistant his Blackberry.</p> <p>5 Q. But you did not warn them not to</p> <p>6 look at the photo in the Blackberry, did you?</p> <p>7 A. I did not.</p> <p>8 Q. You didn't warn Danika or Lacey or</p> <p>9 Kristin did you?</p> <p>10 A. I did not.</p> <p>11 Q. All right. That's because you were</p> <p>12 not offended by it, right?</p> <p>13 A. I was offended.</p> <p>14 Q. It was a newsworthy photo that ran</p> <p>15 in The New York Post and was part of the</p> <p>16 evidence in a public and famous divorce case,</p> <p>17 right?</p> <p>18 A. The picture that he showed us was</p> <p>19 not the picture that was printed in the paper.</p> <p>20 He showed us his penis. He showed us the</p> <p>21 man's genitalia. He didn't show us the photo</p> <p>22 that would be published where his genitalia</p> <p>23 was covered. Mr. Allan showed us a picture of</p> <p>24 a naked man with his penis exposed. The</p> <p>25 picture that ran as news, his penis was</p>
Page 144	Page 145
<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 blocked out. That's not the picture he showed</p> <p>3 us.</p> <p>4 Q. Well, the picture that was on the</p> <p>5 wall was the full picture, right?</p> <p>6 A. Yes.</p> <p>7 Q. And do your notes record this</p> <p>8 incident?</p> <p>9 A. I don't recall my notes recalling</p> <p>10 this incident, no. I can't -- I can't tell</p> <p>11 you for sure.</p> <p>12 Q. Are you embarrassed by nudity,</p> <p>13 Ms. Guzman?</p> <p>14 A. I'm not really sure what you mean.</p> <p>15 Q. Well, do you find nudity to be --</p> <p>16 to make you uncomfortable?</p> <p>17 A. Like is the question is it</p> <p>18 important when I see it? I don't really --</p> <p>19 can you rephrase it so I can understand and</p> <p>20 answer you?</p> <p>21 Q. Well, you're comfortable with</p> <p>22 sexual topics, aren't you?</p> <p>23 A. I'm comfortable talking about</p> <p>24 sexual health.</p> <p>25 Q. Did you -- did you bring this</p>	<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 incident where Mr. Allan showed this</p> <p>3 photograph to you to anybody else's attention</p> <p>4 after it happened?</p> <p>5 A. The day after, I told a member of</p> <p>6 management what Mr. Allan had done.</p> <p>7 Q. Who did you tell?</p> <p>8 A. Paul Armstrong.</p> <p>9 Q. Why did you select Mr. Armstrong to</p> <p>10 tell?</p> <p>11 A. He's part of management. He's part</p> <p>12 of the executive team, and I trusted him to do</p> <p>13 something about it.</p> <p>14 Q. What did you ask him to do? What</p> <p>15 did you say to him?</p> <p>16 A. I said -- I told him -- I said</p> <p>17 Paul, you're not going to believe what</p> <p>18 Col Allan did last night. And I told him what</p> <p>19 I've told you today. And Paul was just pretty</p> <p>20 flabbergasted.</p> <p>21 Q. And did you ask Mr. Armstrong to do</p> <p>22 anything in particular?</p> <p>23 A. I actually thought he would go to</p> <p>24 HR or legal.</p> <p>25 Q. Did you ask him to go to HR or</p>

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1 SANDRA GUZMAN-10/13/11  
 2 legal?  
 3 A. No.  
 4 Q. You did not go to HR or legal  
 5 yourself?  
 6 A. Not right after. I did speak with  
 7 HR later and I made HR aware of this incident.  
 8 Q. Did you ever follow up with  
 9 Mr. Armstrong to ask him if he had done  
 10 anything with that information?  
 11 A. No.  
 12 Q. And you did not hear anything back  
 13 from him about it, did you?  
 14 A. No.  
 15 Q. What was Mr. Armstrong's position?  
 16 What was his title when you told him this  
 17 information?  
 18 A. At the time, he was maybe a VP of  
 19 quality control. I don't really know the  
 20 exact title, but he's in charge of making sure  
 21 that the paper is legible, that the pictures  
 22 are clear. So I don't know the exact title,  
 23 but he's part of the -- he was part of the  
 24 executive management team.  
 25 Q. And at the time you knew that

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1 SANDRA GUZMAN-10/13/11  
 2 Jennifer Jane was the VP of human resources,  
 3 right?  
 4 A. I'm not sure that Jennifer Jane was  
 5 working at the time.  
 6 Q. But you knew how to find human  
 7 resources, right?  
 8 A. Yes.  
 9 Q. Did you ever discuss this matter  
 10 with Lacey Brown, Kristin Flemming or  
 11 Danika Lowe after it happened?  
 12 A. Yes.  
 13 Q. And what did you discuss?  
 14 A. Same thing; girls, can you believe  
 15 that this happened. Actually, I never  
 16 discussed it with Kristin Flemming. I did  
 17 with Lacey and Danika Lowe. And I asked them,  
 18 can you believe this happened. Can you  
 19 believe it. Can you believe this behavior.  
 20 Q. And what did they say to you, if  
 21 you recall?  
 22 A. That's Col Allan. Shrug, that's  
 23 Col Allan.  
 24 Q. Did you ask them if they  
 25 complained?

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1 SANDRA GUZMAN-10/13/11  
 2 A. I didn't ask them if they  
 3 complained.  
 4 Q. Did you ask them to join your  
 5 complaint?  
 6 A. I didn't ask them to join my  
 7 complaint.  
 8 Q. And when is it your testimony that  
 9 this happened?  
 10 A. April of 2007.  
 11 Q. And other than saying to Mr. Allan,  
 12 that's creepy, did you say anything else to  
 13 Mr. Allan about this incident?  
 14 A. No.  
 15 Q. And other than what you told us you  
 16 said to Mr. Armstrong, did you say anything  
 17 else to Mr. Armstrong about it?  
 18 A. Did I say anything else besides  
 19 telling him what happened?  
 20 Q. Yes.  
 21 A. I told him how I felt as a woman.  
 22 I felt this was inappropriate behavior. That  
 23 this was offensive. That this was demeaning  
 24 and humiliating to me. I told him that I  
 25 didn't think this was okay.

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1 SANDRA GUZMAN-10/13/11  
 2 Q. What did Mr. Armstrong say?  
 3 A. He listened.  
 4 Q. And did you have -- other than the  
 5 fact that Mr. Armstrong had the position that  
 6 he had, was there any other reason why you  
 7 chose Mr. Armstrong? Did you have a certain  
 8 level of confidence with him?  
 9 A. I trusted him. He was a dignified  
 10 and upstanding member of the management team,  
 11 and I didn't know him to be a sexist or bigot.  
 12 I worked closely with him, so I felt confident  
 13 that I could share with him something like  
 14 that and that I hoped that he would be able to  
 15 do something about it.  
 16 Q. But you didn't ask him to do  
 17 anything about it, right?  
 18 A. No.  
 19 Q. And how did you expect him to know  
 20 that you -- without asking him to do something  
 21 about it, Ms. Guzman, how did you expect him  
 22 to know that you wanted him to take action on  
 23 your behalf?  
 24 A. Well, he's a member of the  
 25 management team. I assumed that he is very

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<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 familiar with the rules of conduct. And I</p> <p>3 actually thought that he would think it was so</p> <p>4 outrageous that he wouldn't bat an eye to, at</p> <p>5 least, report it as something that was</p> <p>6 reportable.</p> <p>7 Q. So, you just assumed that he would?</p> <p>8 A. Um-hum. And I hoped that he would.</p> <p>9 Q. And when there was no follow-up by</p> <p>10 Mr. Armstrong or anybody else on this, you did</p> <p>11 not go to the HR department, which was all</p> <p>12 women, and pursue it there, correct?</p> <p>13 A. Not immediately.</p> <p>14 Q. Well, did you at some point?</p> <p>15 A. I did.</p> <p>16 Q. When was that?</p> <p>17 A. February of 2009.</p> <p>18 Q. After the publication of the</p> <p>19 cartoon?</p> <p>20 A. After the publication of the racist</p> <p>21 monkey cartoon.</p> <p>22 Q. Did you specifically describe the</p> <p>23 incident that you've talked about here during</p> <p>24 your discussions after the cartoon was</p> <p>25 published?</p>	<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 A. Jennifer Jane was in my office and</p> <p>3 I made her aware of several sexist and</p> <p>4 racially discriminatory incidents, and I did</p> <p>5 tell her.</p> <p>6 Q. You told her about this incident</p> <p>7 with the McGreevey photograph?</p> <p>8 A. I told her -- I'm sorry; please</p> <p>9 finish.</p> <p>10 Q. You told also Jane about the</p> <p>11 McGreevey photograph incident on Col Allan's</p> <p>12 Blackberry after the publication of the</p> <p>13 cartoon?</p> <p>14 A. I did.</p> <p>15 Q. You're sure?</p> <p>16 A. I'm positive that I told her that</p> <p>17 Col Allan shows female workers pictures of</p> <p>18 naked men.</p> <p>19 Q. That's what you said?</p> <p>20 A. Um-hum.</p> <p>21 MR. THOMPSON: You have to answer</p> <p>22 verbally, just remember.</p> <p>23 A. Yes. Okay, yes.</p> <p>24 Q. And when you said that, this was</p> <p>25 the incident we just discussed was the</p>
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<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 incident that you had in mind?</p> <p>3 A. I'm sorry?</p> <p>4 Q. When you said -- when you told her</p> <p>5 that Col Allan shows females pictures of naked</p> <p>6 men, it was the incident described in</p> <p>7 paragraph 35 of your Complaint that you were</p> <p>8 referring to, right?</p> <p>9 A. Yes.</p> <p>10 Q. And did you specifically give her</p> <p>11 the facts of where the incident of paragraph</p> <p>12 35 of your Complaint during that discussion?</p> <p>13 A. Not the specific facts of the date</p> <p>14 and the photograph. I said -- I told her that</p> <p>15 Col Allan had shown pictures of naked men. He</p> <p>16 showed me a picture of a naked man.</p> <p>17 Q. Did you tell her anything else</p> <p>18 about that?</p> <p>19 A. About that?</p> <p>20 Q. Yes.</p> <p>21 A. No. I don't recall telling her</p> <p>22 anything else about that.</p> <p>23 Q. Did you ever put that complaint in</p> <p>24 writing?</p> <p>25 A. No.</p>	<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 Q. So, that complaint was verbal?</p> <p>3 A. Yes.</p> <p>4 Q. And was that your first complaint</p> <p>5 to human resources?</p> <p>6 A. My first complaint to human</p> <p>7 resources?</p> <p>8 Q. Yes.</p> <p>9 A. I had complained to the diversity</p> <p>10 members of the team of News Corp. diversity</p> <p>11 office.</p> <p>12 Q. My question was: Was that your</p> <p>13 first complaint to human resources?</p> <p>14 A. No, that was not my first complaint</p> <p>15 to human resources.</p> <p>16 Q. What was your first complaint to</p> <p>17 human resources?</p> <p>18 A. To Mitsy Wilson and to Rick</p> <p>19 Ramirez, they're members of News Corp.'s</p> <p>20 diversity team. And as I understood it, they</p> <p>21 were part of the human resources because</p> <p>22 they -- part of what they do is they recruit</p> <p>23 people of color to work at the different News</p> <p>24 Corp. companies.</p> <p>25 Q. What was -- okay. And when did you</p>

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<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 speak with Ms. Wilson and Mr. Rich Ramirez?</p> <p>3 A. I can't tell you the exact day, but</p> <p>4 I can tell you that Rick and Mitsy would</p> <p>5 travel often to New York. I was on a</p> <p>6 committee with them and we would meet for</p> <p>7 lunch and discuss many issues, and I remember</p> <p>8 telling them.</p> <p>9 Q. Telling them what? What was your</p> <p>10 complaints to them?</p> <p>11 A. I told them -- I told them that</p> <p>12 Col Allan was a sexist. And I told them that</p> <p>13 Col Allan was racist and that I had personally</p> <p>14 experienced discrimination and sexism in the</p> <p>15 workplace. And I gave them the example of him</p> <p>16 showing me a naked picture on his Blackberry.</p> <p>17 Q. And you understood that they were</p> <p>18 not employees of The New York Post, right?</p> <p>19 A. I understood they were employees of</p> <p>20 News Corp.</p> <p>21 Q. It's a yes or no answer.</p> <p>22 MR. THOMPSON: I'm going to object</p> <p>23 to the question. It calls for a legal</p> <p>24 conclusion.</p> <p>25 You can answer.</p>	<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 A. No, I didn't understand that they</p> <p>3 were not employees of The New York Post.</p> <p>4 Q. Did you understand they were</p> <p>5 employees of News Corp.?</p> <p>6 A. Yes.</p> <p>7 Q. News Corp.'s a different entity of</p> <p>8 The New York Post?</p> <p>9 A. It's the umbrella.</p> <p>10 Q. And what committee were you on with</p> <p>11 them?</p> <p>12 A. I was on the Hispanic diversity</p> <p>13 committee.</p> <p>14 Q. So, you were always talking to them</p> <p>15 about Hispanic issues in the workplace, right?</p> <p>16 A. We were always talk -- we were</p> <p>17 talking about ways in which the company can</p> <p>18 appeal to the fastest growing segment of the</p> <p>19 American population. So, we would meet on a</p> <p>20 regular basis to talk about what efforts were</p> <p>21 being had at Fox television, at the -- just</p> <p>22 the different subsidiaries under News Corp.</p> <p>23 and ways to recruit more Hispanic and black</p> <p>24 and Asian and women to the organizations.</p> <p>25 Q. You understood, though, that they</p>
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<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 didn't have HR responsibilities at New York</p> <p>3 Post, right?</p> <p>4 A. I understood that they had.</p> <p>5 Q. Where were they based?</p> <p>6 A. In L.A.</p> <p>7 Q. So, they're in Los Angeles and come</p> <p>8 to New York to talk to you about diversity in</p> <p>9 the entire News Corp. organization?</p> <p>10 A. Yes.</p> <p>11 Q. And who else was on that committee?</p> <p>12 A. I can recall Gerald Acantar, Rick</p> <p>13 Ramirez and Mitsy Wilson. And there were</p> <p>14 representatives of different subsidiaries of</p> <p>15 News Corp. Everyone from Paramount, from Fox</p> <p>16 Searchlight to the marketing division that --</p> <p>17 News America marketing that Paul Carlucci led.</p> <p>18 There were about 25 different</p> <p>19 representatives on that committee. Mitsy</p> <p>20 Wilson headed that committee and she was the</p> <p>21 head of diversity for News Corp.</p> <p>22 Q. And did you ask Ms. Wilson or</p> <p>23 Mr. Ramirez to take action on your behalf with</p> <p>24 respect to your -- what you told her and what</p> <p>25 you told them about Col Allan?</p>	<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 A. No.</p> <p>3 Q. Did they tell you that they had</p> <p>4 authority to take action at The New York Post</p> <p>5 on behalf of your complaint?</p> <p>6 A. No, they didn't tell me.</p> <p>7 Q. And other than Mr. Allan was a</p> <p>8 racist and a sexist, what else did you tell</p> <p>9 them about Col Allan?</p> <p>10 A. That his behavior created a sense</p> <p>11 in the newsroom that gave men the freedom to</p> <p>12 treat women as sex objects.</p> <p>13 Q. Ms. Guzman, I'm asking you to</p> <p>14 recall what you told Mitsy Wilson and Rick</p> <p>15 Ramirez.</p> <p>16 A. Yes.</p> <p>17 Q. This is what you told them?</p> <p>18 A. You mean incidents?</p> <p>19 Q. I'm asking you what you told them.</p> <p>20 A. Right.</p> <p>21 Q. And this is what you told them?</p> <p>22 A. I told them that I think this</p> <p>23 behavior kind of showed the whole newsroom was</p> <p>24 sexist and racist.</p> <p>25 Q. Did you ever document this</p>

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<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 conversation with Ms. Wilson or Mr. Ramirez?</p> <p>3 A. Document it, no.</p> <p>4 Q. Did you ever document it with</p> <p>5 news -- with New York Post HR?</p> <p>6 A. Sexism? Did I document what</p> <p>7 exactly?</p> <p>8 Q. Did you ever put any complaint of</p> <p>9 this nature in writing?</p> <p>10 A. Sexism or racism?</p> <p>11 Q. Either.</p> <p>12 A. Yes.</p> <p>13 Q. When?</p> <p>14 A. In February of 2009, I sent a</p> <p>15 letter an internal letter responding to the</p> <p>16 monkey cartoon, yes.</p> <p>17 Q. Other than the monkey cartoon.</p> <p>18 A. Other than the monkey cartoon?</p> <p>19 Q. Yes.</p> <p>20 A. No.</p> <p>21 Q. So, you had a conversation with</p> <p>22 Mitsy Wilson and Rick Ramirez and you had a</p> <p>23 conversation with Jennifer Jane. When was the</p> <p>24 conversation with Mitsy Wilson and Rick</p> <p>25 Ramirez?</p>	<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 A. I don't recall the exact.</p> <p>3 Q. What year?</p> <p>4 A. Year? It's probably several months</p> <p>5 later or a year later.</p> <p>6 Q. Later than what?</p> <p>7 A. Than the incident happened. It was</p> <p>8 later. So that if the incident happened in</p> <p>9 the spring of 2007, it was whenever they</p> <p>10 called or came to New York.</p> <p>11 Q. So, your best estimate is the</p> <p>12 spring of 2008?</p> <p>13 A. I can't -- I don't want to give you</p> <p>14 a date if I don't -- if I'm not sure and I</p> <p>15 can't recall the date.</p> <p>16 Q. But it wasn't in close proximity to</p> <p>17 that event?</p> <p>18 A. I really --</p> <p>19 MR. DATOO: Objection. What do</p> <p>20 you mean by close proximity?</p> <p>21 Q. There was a -- you said there was</p> <p>22 about a year that went by after the McGreevey</p> <p>23 incident. Is that your best recollection</p> <p>24 today?</p> <p>25 A. I told you that I didn't want to</p>
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<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 give you a date because I'm not really sure</p> <p>3 exactly when or even the proximity of the</p> <p>4 date. I know I had a conversation with Mitsy</p> <p>5 and I know I had a conversation with Rick and</p> <p>6 I know I told them about Col Allan's behavior.</p> <p>7 Q. Was that the same conversation? In</p> <p>8 other words, was the conversation with Rick</p> <p>9 and Mitsy one conversation together or two</p> <p>10 separate conversations?</p> <p>11 A. Two separate conversations.</p> <p>12 Q. And were they -- were they close</p> <p>13 together in time?</p> <p>14 A. I don't remember the, you know, the</p> <p>15 time span of when these conversations took</p> <p>16 place. But they took place for sure after the</p> <p>17 incidents had happened.</p> <p>18 Q. Are there any other times when you</p> <p>19 or -- withdrawn.</p> <p>20 Other than your conversation with</p> <p>21 Jennifer Jane after the publication of the</p> <p>22 monkey cartoon, did you have any other</p> <p>23 conversations with anybody at the The Post in</p> <p>24 which you pursued a Complaint of</p> <p>25 discrimination?</p>	<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 A. I complained about discrimination</p> <p>3 to Lisa Barnett.</p> <p>4 Q. Is she a supervisor?</p> <p>5 A. She's part of the -- she's not my</p> <p>6 supervisor. She works -- she's part of the</p> <p>7 management team as well. And she's been</p> <p>8 there -- she was working there when I worked</p> <p>9 there, so I've known her for some time. And I</p> <p>10 also made another member of the executive</p> <p>11 team, Dee Dee Brown, aware of the</p> <p>12 discrimination and sexism I was being</p> <p>13 subjected to.</p> <p>14 Q. Did you ask them to pursue these</p> <p>15 complaints on your behalf?</p> <p>16 A. I hoped.</p> <p>17 Q. But did you ask them to?</p> <p>18 A. I did not ask them to. I hoped.</p> <p>19 Q. Is it fair to say, Ms. Guzman, that</p> <p>20 these were just candid conversations with</p> <p>21 women that you considered colleagues in which</p> <p>22 you expressed how you were feeling at the</p> <p>23 time? Isn't that what that was?</p> <p>24 A. You haven't asked me about what</p> <p>25 else I was telling them about what other</p>



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1 SANDRA GUZMAN-10/13/11  
 2 experiences, and if you do, I'll tell you.  
 3 Q. Could you answer my question,  
 4 Ms. Guzman?  
 5 A. Can you repeat the question?  
 6 Q. These were conversations with  
 7 female colleagues in which you were exchanging  
 8 views these were not complaints you intended  
 9 to elevate to post management by virtue of  
 10 these conversations, correct?  
 11 A. These were conversations I was  
 12 having with members of the executive team that  
 13 I hoped would do something about the sexual  
 14 harassment that I was experiencing at the  
 15 workplace.  
 16 Q. You never went to Jennifer Jane,  
 17 the vice-president of human resources, whose  
 18 primary responsibility was to act upon these  
 19 complaints?  
 20 MR. DATOO: Objection. She  
 21 testified.  
 22 Q. Apart from your conversation of the  
 23 cartoon, right?  
 24 A. I went to Jennifer Jane in February  
 25 2009.

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1 - SANDRA GUZMAN-10/13/11  
 2 to --  
 3 MR. DATOO: You're taking the  
 4 deposition or?  
 5 MR. LERNER: You're allowed to  
 6 object and that's it.  
 7 MR. DATOO: Well, you're going to  
 8 mislead the witness. I'm going to  
 9 state the objection.  
 10 MR. LERNER: No. You're  
 11 actually -- Shaffin, you're not  
 12 permitted to clarify or force me to  
 13 ask clearer questions. I'm entitled  
 14 to phrase the questions the way I  
 15 want.  
 16 MR. DATOO: You're absolutely  
 17 right, but --  
 18 MR. LERNER: You're permitted to  
 19 object, and that's it.  
 20 A. Could you please restate the  
 21 question?  
 22 Q. Why weren't you comfortable going  
 23 to HR?  
 24 A. I had experienced a co-worker who  
 25 went to HR and she complained about sexism and

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1 SANDRA GUZMAN-10/13/11  
 2 Q. Actually, she went to you; is that  
 3 right?  
 4 A. She came to my office.  
 5 Q. Right, but you did not ask her to  
 6 come to your office. She came on her own,  
 7 correct?  
 8 A. Yes.  
 9 Q. We'll get back to that.  
 10 A. Okay.  
 11 Q. Is there a reason why you didn't  
 12 complain to human resources of The Post until  
 13 February 2009?  
 14 A. I didn't feel comfortable  
 15 complaining to HR.  
 16 Q. So, you complained to a bunch of  
 17 people that were not charged with the task of  
 18 dealing with employee's complaints, right?  
 19 MR. DATOO: Objection. Assumes  
 20 facts not in evidence.  
 21 MR. LERNER: You can make an  
 22 objection. That's it.  
 23 MR. DATOO: When you're going to  
 24 mislead the witness --  
 25 MR. LERNER: You're not allowed

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1 SANDRA GUZMAN-10/13/11  
 2 a few months later, she was no longer working  
 3 for the company.  
 4 Q. Who was that?  
 5 A. Poochie Meir. So I had a feeling  
 6 that I couldn't trust them.  
 7 Q. Well, did you have some kind of  
 8 understanding, Ms. Guzman, that a complaint of  
 9 sexism, racism and discrimination actually  
 10 wouldn't get to HR? Is that what your  
 11 expectation was?  
 12 A. I wanted it to get to HR.  
 13 Q. But you thought that -- I'm trying  
 14 to understand what you're thinking was that  
 15 the Complaint would get to HR, but because you  
 16 didn't bring it to HR, somehow it would be  
 17 handled differently?  
 18 A. I expected an investigation to take  
 19 place. I hoped an investigation would take  
 20 place.  
 21 Q. But you didn't ask for an  
 22 investigation, right?  
 23 A. I hoped for an investigation.  
 24 Q. You did not ask for an  
 25 investigation?



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<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 A. I did not ask for an investigation.</p> <p>3 Q. I'm going to show you, Ms. Guzman,</p> <p>4 a document which is the called the Standards</p> <p>5 of Business Conduct marked Guzman 10.</p> <p>6 (Defendant's Guzman Exhibit 10,</p> <p>7 Standards of Business Conduct, marked</p> <p>8 for identification, as of this date.)</p> <p>9 MR. THOMPSON: I don't want you</p> <p>10 getting confused. Try to keep these</p> <p>11 in order.</p> <p>12 THE WITNESS: Okay.</p> <p>13 Q. Ms. Guzman, is this a document you</p> <p>14 had access to when you were an employee of The</p> <p>15 Post?</p> <p>16 A. Yes.</p> <p>17 Q. And these are the policies that</p> <p>18 were in effect at The Post while you were</p> <p>19 there?</p> <p>20 A. Yes.</p> <p>21 Q. Turn to page -- this is document</p> <p>22 Bates numbered NYP '58 through NYP '199.</p> <p>23 Could you turn to page NYP '69,</p> <p>24 please. And can you look at the last sentence</p> <p>25 on the page. It reads, "Accordingly,</p>	<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 employees who feel a grief because of</p> <p>3 harassment and discrimination have an</p> <p>4 obligation to immediately notify a manager in</p> <p>5 the human resources department or an attorney</p> <p>6 in the legal department."</p> <p>7 Do you see that?</p> <p>8 A. Yes.</p> <p>9 Q. Did you do either of those things?</p> <p>10 A. No. In February of 2009, I</p> <p>11 complained to Jennifer Jane.</p> <p>12 Q. Prior to February of 2009, though,</p> <p>13 you didn't do either of those things, right?</p> <p>14 A. Right.</p> <p>15 Q. You have an allegation in your</p> <p>16 Complaint about an incident that occurred,</p> <p>17 allegedly, at a party that had dancing it is</p> <p>18 paragraph 37 of your Complaint.</p> <p>19 A. What page?</p> <p>20 Q. Page 9. Talking about Exhibit 3 of</p> <p>21 the Amended Complaint?</p> <p>22 A. What paragraph?</p> <p>23 Q. Paragraph 37.</p> <p>24 A. Okay.</p> <p>25 Q. After you look at that paragraph, I</p>
Page 168	Page 169
<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 have a few questions about it.</p> <p>3 A. Okay.</p> <p>4 Q. Did you personally see the dancing</p> <p>5 that you described in Paragraph 37?</p> <p>6 A. Did I personally --</p> <p>7 MR. THOMPSON: Objection.</p> <p>8 A. Rubbed his penis? Rubbed? There's</p> <p>9 no dancing here.</p> <p>10 Q. Fine. Did you personally see this</p> <p>11 occur?</p> <p>12 A. No.</p> <p>13 Q. Were you present at the location at</p> <p>14 that place on that night?</p> <p>15 A. I was present, yes.</p> <p>16 Q. And what is the source of your</p> <p>17 information and belief for the information</p> <p>18 that's contained in paragraph 37?</p> <p>19 A. The following day, the female in</p> <p>20 question came to my office and asked to speak</p> <p>21 with me privately. And we went into my office</p> <p>22 and she told me that, in a very distraught</p> <p>23 manner, that Mr. Col Allan rubbed his erect</p> <p>24 penis on her buttocks, and was making lewd</p> <p>25 remarks about how great her breasts looked</p>	<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 after she had lost weight. And she felt</p> <p>3 scared to be alone with him.</p> <p>4 Q. And who's the person?</p> <p>5 A. Her name is Nicole Fox, Nicky Fox.</p> <p>6 Q. Did you tell Ms. Fox that you</p> <p>7 thought that she had looked like she lost</p> <p>8 weight?</p> <p>9 A. Did I?</p> <p>10 Q. Yes.</p> <p>11 A. No. Mr. Allan told her how great</p> <p>12 she looked since she lost weight. How great</p> <p>13 her breasts looked since she looked -- since</p> <p>14 she lost weight.</p> <p>15 Q. In fact, you've commented to</p> <p>16 Ms. Fox about her breasts, haven't you?</p> <p>17 A. When?</p> <p>18 Q. You've told Ms. Fox that you've</p> <p>19 complimented her on her breasts, haven't you?</p> <p>20 A. When?</p> <p>21 Q. At any time.</p> <p>22 A. I don't remember.</p> <p>23 Q. You're under oath, Ms. Guzman.</p> <p>24 Did you call her hot? Did you tell</p> <p>25 her she was hot?</p>

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1 SANDRA GUZMAN-10/13/11  
 2 Q. Yes.  
 3 A. Exactly -- what year exactly, what  
 4 date?  
 5 Q. And who told you?  
 6 A. And exactly who told me, I cannot  
 7 tell you. I can tell you that this was common  
 8 knowledge in the newsroom.  
 9 Q. And were you ever assigned to work  
 10 in the newsroom?  
 11 A. Yes.  
 12 Q. When was that?  
 13 A. When I first began there.  
 14 Q. For how long?  
 15 A. I was stationed in the newsroom for  
 16 about six months, but I was always in the  
 17 newsroom. I hired reporters to write for my  
 18 different sections who worked in the newsroom.  
 19 I had to go up to the newsroom to talk to  
 20 photo because they're right in the middle of  
 21 the newsroom. I had --  
 22 Q. Ms. Guzman, I just asked when you  
 23 were assigned to work there.  
 24 A. I'm sorry, I was trying to describe  
 25 for you that I wasn't physically stationed,

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1 SANDRA GUZMAN-10/13/11  
 2 A. No.  
 3 Q. What did she tell you?  
 4 A. Exactly what it says here.  
 5 Q. Did you hear about it from anybody  
 6 else besides Ms. Clark?  
 7 A. No.  
 8 Q. Other than the statement that's  
 9 quoted on the bottom of page 9 of your Amended  
 10 Complaint, are you aware of any other  
 11 statement that Mr. Allan made during the  
 12 incident?  
 13 A. No.  
 14 MR. THOMPSON: Page 9.  
 15 A. Page 9, paragraph 39?  
 16 Q. Yes.  
 17 MR. THOMPSON: Paragraph 39 is not  
 18 on page 9, Mr. Lerner.  
 19 MR. LERNER: You may be in the  
 20 wrong document, Mr. Thompson. I'm in  
 21 the Amended Complaint.  
 22 MR. THOMPSON: Oh, you're right.  
 23 Q. Any other statement that you're  
 24 aware of besides the one that's on the bottom  
 25 of page 9?

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1 SANDRA GUZMAN-10/13/11  
 2 but that my job involved my visiting, very  
 3 often, throughout the day.  
 4 Q. I understand. I need you to answer  
 5 the question that I asked.  
 6 A. Okay. I'm sorry.  
 7 Q. Do you have any personal knowledge  
 8 of Mr. Allan going to Scores by personal  
 9 knowledge? I mean, did you ever see him at  
 10 Scores or have him tell you that he went to  
 11 Scores?  
 12 A. No.  
 13 Q. In your Complaint -- in your  
 14 Complaint, in paragraph 39, you describe a  
 15 remark by Col Allan in which he yelled at --  
 16 yelled at -- asking somebody he refers to as a  
 17 damn girl to answer his phone.  
 18 Can you take a look at paragraph  
 19 39, please.  
 20 A. Yes.  
 21 Q. How did you learn about this  
 22 incident?  
 23 A. Ebony Clark told me about the  
 24 incident.  
 25 Q. You weren't present for it, right?

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1 SANDRA GUZMAN-10/13/11  
 2 A. Regarding this paragraph?  
 3 Q. Yes.  
 4 A. No.  
 5 Q. Your Complaint contains allegations  
 6 that relate to an individual named Les  
 7 Goodstein; does it not?  
 8 A. Yes.  
 9 Q. And you're aware that in 2006, The  
 10 New York Post executive committee was  
 11 discussing closing down Tempo; are you not?  
 12 A. Maybe.  
 13 Q. In fact, the -- Paul Carlucci made  
 14 a decision to close Tempo in 2006; did he not?  
 15 A. I'm not really sure.  
 16 Q. Were you aware of that?  
 17 A. No. I don't remember closing down  
 18 of Tempo.  
 19 Q. Ms. Guzman, I'm going to show you  
 20 two documents, Exhibit Guzman 12 and Guzman  
 21 13. Guzman 12 is NYP '447 through '448 and  
 22 Guzman 13 is NYP '459 through '46 -- hold on.  
 23 Scratch that.  
 24 Guzman 13 is NYP 462.  
 25 A. This is 13?

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<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 cancel Tempo?</p> <p>3 A. No.</p> <p>4 Q. Do you know why Tempo was not</p> <p>5 canceled in 2006?</p> <p>6 MR. THOMPSON: Objection.</p> <p>7 A. I think that there's some people on</p> <p>8 staff that really felt very passionate about</p> <p>9 the section.</p> <p>10 Q. And that was Les Goodstein, right?</p> <p>11 A. Les Goodstein and Semi Hayman,</p> <p>12 Patrick Judge on the sales side. These are</p> <p>13 people who are in charge of selling Tempo.</p> <p>14 Q. Do you know who's responsible for</p> <p>15 convincing The Post not to cancel Tempo?</p> <p>16 A. Who was responsible?</p> <p>17 Q. Yes.</p> <p>18 A. I don't.</p> <p>19 Q. Do you know it was Mr. Goodstein?</p> <p>20 A. You're telling me that it was.</p> <p>21 Q. You didn't know that until now?</p> <p>22 A. I don't recall. I do know he was</p> <p>23 an advocate of the section.</p> <p>24 Q. A passionate advocate of the</p> <p>25 section, correct? Would you agree with that?</p>	<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 A. I agree.</p> <p>3 Q. Mr. Goodstein had experience</p> <p>4 working at The Daily News targeting and</p> <p>5 serving the Hispanic community, correct?</p> <p>6 A. Yes.</p> <p>7 Q. So, when he got involved with</p> <p>8 Tempo, that experience was relevant to Tempo,</p> <p>9 right?</p> <p>10 A. To selling Tempo, yes.</p> <p>11 Q. Did Mr. Goodstein complain to</p> <p>12 Col Allan that you weren't working with him on</p> <p>13 Tempo?</p> <p>14 MR. THOMPSON: Objection.</p> <p>15 A. I don't know what he complained to</p> <p>16 Mr. Allan about.</p> <p>17 Q. Did Col Allan call you in his</p> <p>18 office to instruct you after Les Goodstein</p> <p>19 started working on Tempo that you should try</p> <p>20 to work with -- that you were to work with</p> <p>21 Les?</p> <p>22 A. He called me into his office and he</p> <p>23 berated me, yes.</p> <p>24 Q. And he told you that you needed to</p> <p>25 work with Les, right?</p>
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<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 A. I needed to be nice with Les were</p> <p>3 the words that I remember.</p> <p>4 Q. And what did you say?</p> <p>5 A. I didn't understand. I told him I</p> <p>6 did not understand what he meant by being</p> <p>7 nice. That's exactly what I told Mr. Allan.</p> <p>8 Q. And do you know what prompted</p> <p>9 Mr. Allan to call you in?</p> <p>10 A. I suspected that it was because I</p> <p>11 was complaining about Mr. Les Goodstein's</p> <p>12 lascivious and disgusting behavior toward me.</p> <p>13 Q. When had you done that?</p> <p>14 A. When had I complained?</p> <p>15 Q. Yes.</p> <p>16 A. Immediately after Mr. Les Goodstein</p> <p>17 and I had our initial meeting.</p> <p>18 Q. And when was that?</p> <p>19 A. So, if he arrived in 2006, it was</p> <p>20 around 2006. If he arrived -- yeah, a few</p> <p>21 months.</p> <p>22 Q. Ms. Guzman, who did you complain to</p> <p>23 in the middle of 2006 about Les Goodstein?</p> <p>24 A. To Paul Armstrong, to Lisa Barnett</p> <p>25 and to Dee Dee Brown.</p>	<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 Q. You did not complain to Paul</p> <p>3 Armstrong about Les Goodstein in 2006, did</p> <p>4 you, Ms. Guzman?</p> <p>5 A. I did.</p> <p>6 Q. What was your complaint?</p> <p>7 A. On the first meeting when I first</p> <p>8 met Mr. Les Goodstein, we met on the third</p> <p>9 floor in the cafeteria and he introduced</p> <p>10 himself. And we were having a conversation</p> <p>11 about Tempo. And as soon as a woman would</p> <p>12 walk by, Les Goodstein would follow that woman</p> <p>13 and look at the woman's butt and breast and</p> <p>14 body up and down. And then he would turn back</p> <p>15 to me and he would say, I'm sorry, what was I</p> <p>16 saying.</p> <p>17 Mr. Goodstein licked his lips on a</p> <p>18 number of occasions. The first meeting I had</p> <p>19 with Mr. Goodstein, he displayed grotesque</p> <p>20 behavior and I told Paul about it.</p> <p>21 Q. And it's the behavior you just</p> <p>22 described, correct?</p> <p>23 A. That was one of many behaviors.</p> <p>24 Q. Well, so, at the first meeting, he</p> <p>25 looked at other women in the cafeteria; is</p>

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<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 that right?</p> <p>3 MR. THOMPSON: Objection.</p> <p>4 A. The first meeting, we would be</p> <p>5 having a conversation just like you and I are</p> <p>6 having a conversation, and if a woman would</p> <p>7 walk by, he would take his eyes off me and</p> <p>8 look at the women's butt and breasts and</p> <p>9 follow them and then get back to the</p> <p>10 conversation. The very first meeting. My</p> <p>11 very first meeting with Mr. Les Goodstein on</p> <p>12 the third floor.</p> <p>13 Q. And is that what you complained to</p> <p>14 Mr. Armstrong about?</p> <p>15 A. That was one of the first things</p> <p>16 that I complained about. I met with Mr.</p> <p>17 Goodstein on many occasions after that, and</p> <p>18 Mr. Goodstein -- there were other complaints</p> <p>19 that I made about him.</p> <p>20 Q. To whom?</p> <p>21 A. To Paul.</p> <p>22 Q. How many times did you complain to</p> <p>23 Paul?</p> <p>24 A. I can't tell you the exact number,</p> <p>25 many times.</p>	<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 Q. More than three?</p> <p>3 A. I cannot tell you. I can't guess.</p> <p>4 I can tell you that there were many times.</p> <p>5 Many, many times. Dozens of times.</p> <p>6 Q. You complained to Paul dozens of</p> <p>7 times?</p> <p>8 A. Yes.</p> <p>9 Q. Did you ever go to HR to complain</p> <p>10 about Mr. Goodstein while you were working</p> <p>11 with him?</p> <p>12 A. I told you that in February of</p> <p>13 2009, I spoke to Jennifer Jane about the</p> <p>14 sexist behavior of some members of The New</p> <p>15 York Post and News Corp. and --</p> <p>16 Q. How long did Mr. Goodstein and you</p> <p>17 work together on Tempo?</p> <p>18 A. I can't tell you the exact -- how</p> <p>19 many years, but a year and a half. A year and</p> <p>20 a half.</p> <p>21 Q. So, from roughly June '06 until the</p> <p>22 latter part of '07?</p> <p>23 A. I can't tell you specifics.</p> <p>24 Q. Your best recollection is a year</p> <p>25 and a half?</p>
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<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 A. I cannot tell you specifics. I</p> <p>3 don't -- I want to be right and I can't tell</p> <p>4 you specifics.</p> <p>5 Q. And during that period of time that</p> <p>6 you and Mr. Goodstein were working together on</p> <p>7 Tempo, you did not go to HR to complain,</p> <p>8 right?</p> <p>9 A. No.</p> <p>10 Q. But The Post EEO policy says that</p> <p>11 you should go to HR or the legal department,</p> <p>12 right?</p> <p>13 A. Yes.</p> <p>14 Q. And you did neither?</p> <p>15 A. No, not --</p> <p>16 Q. And --</p> <p>17 MR. THOMPSON: Are you finished?</p> <p>18 THE WITNESS: No, I wasn't</p> <p>19 finished.</p> <p>20 MR. THOMPSON: Finish please.</p> <p>21 A. I complained to HR in 2009 when</p> <p>22 Jennifer Jane and I met.</p> <p>23 Q. Okay, I understand. Thank you.</p> <p>24 A. Okay.</p> <p>25 Q. Did you tell Col Allan when he</p>	<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 called you into his office to say that you</p> <p>3 should work with Les, did you tell Col Allan</p> <p>4 at that time that the reason you were not</p> <p>5 working with Les was because of this conduct?</p> <p>6 MR. THOMPSON: Objection.</p> <p>7 A. I did not.</p> <p>8 Q. So, you did not bring this conduct</p> <p>9 to Col Allan's attention during that</p> <p>10 conversation, right?</p> <p>11 A. No.</p> <p>12 Q. You never told Col Allan directly</p> <p>13 about this conduct, right?</p> <p>14 A. No.</p> <p>15 Q. Did Mr. Goodstein ever try to touch</p> <p>16 you?</p> <p>17 A. No.</p> <p>18 Q. And you indicated that at some</p> <p>19 point, he referred to you as a cha-cha -- as a</p> <p>20 cha-cha girl or something like that?</p> <p>21 A. Yes, myself and a colleague were</p> <p>22 both Latinas.</p> <p>23 Q. And did you let him know that you</p> <p>24 did not appreciate that remark?</p> <p>25 A. Yes.</p>

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1 SANDRA GUZMAN-10/13/11  
 2 Q. And did he stop calling you  
 3 cha-cha?  
 4 A. He stopped calling me cha-cha.  
 5 Q. Did you ever tell him that you  
 6 prefer that he not look at other women in the  
 7 way you described when you were working with  
 8 him?  
 9 A. No.  
 10 Q. Do you know that Mr. Goodstein was  
 11 the only non-Hispanic, non-black person on the  
 12 National Board of Hispanic Federation?  
 13 A. Yes. I didn't know he was the  
 14 only -- I knew he was on the board.  
 15 Q. And he was given the leadership  
 16 award by the Hispanic Federation in May of  
 17 2009, right?  
 18 A. Yes.  
 19 Q. There was a dinner that honored  
 20 him?  
 21 A. Yes.  
 22 Q. And you went to that dinner?  
 23 A. Yes.  
 24 Q. Did you meet his wife?  
 25 A. Yes.

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1 SANDRA GUZMAN-10/13/11  
 2 A. I wanted him to stop.  
 3 Q. But you didn't tell him to stop?  
 4 A. No.  
 5 Q. You made a joke about it?  
 6 A. I wanted him to stop.  
 7 Q. But you made a joke about it?  
 8 A. I made a comment about it.  
 9 Q. Did anybody else hear Mr. Goodstein  
 10 say that you looked sexy or beautiful?  
 11 A. Yes.  
 12 Q. Who?  
 13 A. Semi Hayman Morrero.  
 14 Q. And you've told colleagues that you  
 15 think they look sexy or beautiful; have you  
 16 not?  
 17 A. It depends on the context. I  
 18 can't --  
 19 Q. It's a yes or no. You told people  
 20 that?  
 21 A. I can't tell you. I don't know if  
 22 it's a yes or no answer. It's such an  
 23 open-ended question. I may have.  
 24 Q. Well --  
 25 A. It's hard for me to answer that yes

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1 SANDRA GUZMAN-10/13/11  
 2 Q. Did you tell his wife that he was a  
 3 great guy?  
 4 A. I don't remember saying that. I  
 5 didn't even know he was married.  
 6 Q. Isn't it true that you told Les  
 7 that you thought that their sons should get  
 8 together?  
 9 A. Yes.  
 10 Q. And did they -- did Les' son and  
 11 your son get together socially?  
 12 A. Never.  
 13 Q. You indicated that he told you that  
 14 you on some occasion or occasions that you  
 15 looked sexy or beautiful, right? Is that  
 16 something he said to you?  
 17 A. He frequently commented on what I  
 18 wore and my shoes and how sexy they were and  
 19 how beautiful my dress was and how beautiful I  
 20 looked.  
 21 Q. Did you tell him -- did you tell  
 22 him that you didn't want him to say that?  
 23 A. I told him if you want to borrow  
 24 my shoes, you can.  
 25 Q. So, you made a joke about it?

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1 SANDRA GUZMAN-10/13/11  
 2 or no if you don't give me names and if you  
 3 don't give me context. I'm happy to answer  
 4 that question for you.  
 5 Q. And you knew based on the fact that  
 6 he stopped calling you cha-cha when you let it  
 7 be known to him that you didn't like that, you  
 8 knew he'd stop doing something if you asked  
 9 him, right?  
 10 A. I knew he stopped calling me  
 11 cha-cha after he was told not to.  
 12 Q. So, why did you not tell him to  
 13 stop remarking that you looked sexy or  
 14 beautiful?  
 15 A. What I instead tried to do was  
 16 limit our meetings.  
 17 Q. And did you, in fact, limit the  
 18 meetings?  
 19 A. I met with him when I had to meet  
 20 with him.  
 21 Q. And how often was that during the  
 22 year 2007?  
 23 A. So, if Tempo was coming out on a  
 24 monthly basis, we would meet once a month.  
 25 Q. And where was his office?



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<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 time.</p> <p>3 If Ms. Guzman needs water, wants</p> <p>4 to take a break, there was no question</p> <p>5 pending. You were talking to your</p> <p>6 colleagues.</p> <p>7 MR. LERNER: If the issue,</p> <p>8 Mr. Thompson, is not did you interrupt</p> <p>9 the flow of the deposition. The</p> <p>10 question is did you have an improper</p> <p>11 communication with Ms. Guzman about</p> <p>12 the subject matter of her testimony</p> <p>13 during the testimony and the record is</p> <p>14 clear that you did.</p> <p>15 MR. THOMPSON: It is not clear.</p> <p>16 BY MR. LERNER:</p> <p>17 Q. The clarification that you just</p> <p>18 made, Ms. Guzman, when you came back on the</p> <p>19 record and said you wanted to make a</p> <p>20 clarification, was that something that you</p> <p>21 discussed during the break with Counsel?</p> <p>22 MR. THOMPSON: Objection. Don't</p> <p>23 disclose what you talked to Counsel</p> <p>24 about during the break.</p> <p>25 Q. Was your clarification a matter of</p>	<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 your discussion with Counsel?</p> <p>3 A. I've been instructed by my attorney</p> <p>4 not to answer your question.</p> <p>5 Q. Ms. Guzman, could you look at</p> <p>6 paragraph 41 of your Amended Complaint,</p> <p>7 please.</p> <p>8 A. This is the Amended Complaint?</p> <p>9 MR. THOMPSON: Yes.</p> <p>10 A. What page?</p> <p>11 Q. Page 10.</p> <p>12 A. Yes.</p> <p>13 Q. Paragraph 41, you stated,</p> <p>14 "Mr. Goodstein also routinely stared at the</p> <p>15 breasts and butt of other female employees in</p> <p>16 Ms. Guzman's presence and often licked his</p> <p>17 lips while doing so."</p> <p>18 Do you see that?</p> <p>19 A. I do, yes.</p> <p>20 Q. Nowhere in your Complaint do you</p> <p>21 state that Mr. Goodstein looked at your body</p> <p>22 in a lascivious way, correct?</p> <p>23 A. He would repeatedly look at me and</p> <p>24 tell me that I look sexy and beautiful.</p> <p>25 Q. No, but --</p>
Page 200	Page 201
<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 A. In paragraph 40.</p> <p>3 Q. You're not reading from your</p> <p>4 Complaint though, correct?</p> <p>5 A. I'm telling you that that's what he</p> <p>6 did and to be able to say --</p> <p>7 Q. That's not what your complaint</p> <p>8 says --</p> <p>9 MR. THOMPSON: Objection.</p> <p>10 Q. -- right?</p> <p>11 A. Okay.</p> <p>12 Q. Your Complaint says that, "Les</p> <p>13 Goodstein, senior vice-president, repeatedly</p> <p>14 told Ms. Guzman that she looked sexy and</p> <p>15 beautiful."</p> <p>16 You did not state, in your</p> <p>17 Complaint that he looked at you and told you</p> <p>18 that you looked sexy and beautiful, right?</p> <p>19 A. He looked at me and told me that I</p> <p>20 looked sexy and beautiful.</p> <p>21 Q. To be clear, you're not reading</p> <p>22 from the Complaint now, right?</p> <p>23 A. I'm just telling you if we're</p> <p>24 looking at the Complaint in paragraph 40, it's</p> <p>25 very clear that he looked at me and he said --</p>	<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 looking at me, he said I looked sexy and</p> <p>3 beautiful.</p> <p>4 Q. Well, you came into the deposition</p> <p>5 room a moment ago with a clarification where</p> <p>6 you added something and what you added was</p> <p>7 that he would often stare at my breasts and</p> <p>8 body parts and comment on how sexy I looked.</p> <p>9 A. Right.</p> <p>10 Q. Staring at your breasts and body</p> <p>11 parts is not an allegation you made in your</p> <p>12 Complaint, right?</p> <p>13 A. When he looked at me and said I was</p> <p>14 sexy and beautiful, he was staring at my body</p> <p>15 parts.</p> <p>16 Q. But you didn't say in your</p> <p>17 Complaint that he stared at you right?</p> <p>18 A. I didn't specifically state it.</p> <p>19 Q. And when you were working with</p> <p>20 Mr. Goodstein on Tempo, Joe Robinowitz was</p> <p>21 your supervisor; is that accurate?</p> <p>22 A. I believe so.</p> <p>23 Q. What was Mr. Goodstein's role on</p> <p>24 Tempo when you were working together?</p> <p>25 A. He was supervising the sales</p>



<p style="text-align: right;">Page 202</p> <p>1 SANDRA GUZMAN-10/13/11</p> <p>2 portion of the section.</p> <p>3 Q. Did he supervise editorial?</p> <p>4 A. No.</p> <p>5 Q. You were responsible for editorial?</p> <p>6 A. Yes.</p> <p>7 Q. And your supervisor from editorial</p> <p>8 standpoint was always Joe Robinowitz at that</p> <p>9 time, right?</p> <p>10 A. What year was that?</p> <p>11 Q. In '06, '07.</p> <p>12 A. I believe it was Joe Robinowitz.</p> <p>13 Q. Were you ever looking to leave The</p> <p>14 New York Post while you were an employee</p> <p>15 there?</p> <p>16 A. I may have.</p> <p>17 Q. Well, I'm not asking you to guess.</p> <p>18 I'm asking you what your -- what the facts</p> <p>19 are. Did you ever look for a job to leave The</p> <p>20 New York Post while you were employed there?</p> <p>21 A. I don't remember that, that I</p> <p>22 actively looked for a job.</p> <p>23 Q. And when you went to the dinner</p> <p>24 that honored Les Goodstein, you were -- was he</p> <p>25 still working on Tempo at the time?</p>	<p style="text-align: right;">Page 203</p> <p>1 SANDRA GUZMAN-10/13/11</p> <p>2 A. I don't remember.</p> <p>3 Q. Were you required to go to that</p> <p>4 dinner?</p> <p>5 A. Yeah, I was. It was a News Corp.</p> <p>6 event. And they gave away tickets as it was a</p> <p>7 Hispanic event and the editor of Hispanic</p> <p>8 section, one of the many sections that I</p> <p>9 edited, they asked me to go.</p> <p>10 Q. An editor of what?</p> <p>11 A. One of the Hispanic sections. It</p> <p>12 was a Hispanic organization that was having a</p> <p>13 celebration.</p> <p>14 Q. So, it wasn't a News Corp. event,</p> <p>15 right?</p> <p>16 A. He gave money as I understand it as</p> <p>17 a representative of News Corp. corporation,</p> <p>18 not as New York Post.</p> <p>19 Q. The National Hispanic Federation is</p> <p>20 not a News Corp. organization, is it?</p> <p>21 A. It's not. It's a Hispanic</p> <p>22 organization that News Corp. gave money to</p> <p>23 through Les Goodstein.</p> <p>24 Q. Do you recall that event being in</p> <p>25 May of 2009?</p>
<p style="text-align: right;">Page 204</p> <p>1 SANDRA GUZMAN-10/13/11</p> <p>2 A. Maybe, I'm not really sure.</p> <p>3 Q. Guzman Exhibit 14 is NYP '792.</p> <p>4 (Defendant's Guzman Exhibit 14,</p> <p>5 document bearing Bates numbers NYP</p> <p>6 '792, marked for identification, as of</p> <p>7 this date.)</p> <p>8 Q. Ms. Guzman, I'm going to tell you</p> <p>9 that this is a document from your calendar</p> <p>10 which you don't have to accept. That's just</p> <p>11 my representation.</p> <p>12 But does this refresh your</p> <p>13 recollection as to when that event was?</p> <p>14 A. Yes.</p> <p>15 Q. So, was it May of 2009?</p> <p>16 A. Yes.</p> <p>17 Q. And was Les Goodstein finished</p> <p>18 working on Tempo by May of 2009?</p> <p>19 A. I believe so.</p> <p>20 Q. Could you have elected not to</p> <p>21 attend that event?</p> <p>22 A. Yes.</p> <p>23 Q. Were you -- when you went, were you</p> <p>24 proud that Les Goodstein, a News Corp.</p> <p>25 affiliated person, was being honored by the</p>	<p style="text-align: right;">Page 205</p> <p>1 SANDRA GUZMAN-10/13/11</p> <p>2 National Hispanic Federation?</p> <p>3 A. Proud?</p> <p>4 Q. Yes.</p> <p>5 A. I don't know if I would say proud.</p> <p>6 Q. How did you feel about it?</p> <p>7 A. I was happy that a great Hispanic</p> <p>8 organization that helps the impoverished and</p> <p>9 the needy was receiving monies to do their</p> <p>10 work.</p> <p>11 Q. How did you feel about Les</p> <p>12 Goodstein being honored that night?</p> <p>13 A. Kind of surprised.</p> <p>14 Q. But did you think that he didn't</p> <p>15 warrant being honored by the Hispanic</p> <p>16 Federation?</p> <p>17 A. No, if I --</p> <p>18 Q. If you'd known he was responsible</p> <p>19 for saving Tempo from closure in 2006, would</p> <p>20 that have changed your mind?</p> <p>21 MR. THOMPSON: Objection.</p> <p>22 A. This man sexually harassed me every</p> <p>23 opportunity he got and he did it on repeated</p> <p>24 occasions and helping save Tempo didn't give</p> <p>25 him the right to do that to me.</p>

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<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 Q. Ms. Guzman, my question was if</p> <p>3 you'd known he was responsible for saving</p> <p>4 Tempo from closure in 2006, would that have</p> <p>5 changed your mind about him being honored?</p> <p>6 MR. THOMPSON: Objection.</p> <p>7 A. It's my opinion, no.</p> <p>8 Q. And to be clear, the sexual</p> <p>9 harassment by Les Goodstein that you're</p> <p>10 referring to is the way he looked at you and</p> <p>11 the way he looked at other women and his</p> <p>12 calling you sexy and beautiful?</p> <p>13 A. And commenting on my shoes and on</p> <p>14 my body, on my body.</p> <p>15 Q. Okay.</p> <p>16 Conduct that you never asked him to</p> <p>17 stop doing, right?</p> <p>18 A. I was afraid to ask him to stop</p> <p>19 doing it.</p> <p>20 Q. So, you didn't ask him to stop,</p> <p>21 right?</p> <p>22 A. No.</p> <p>23 Q. Did you know somebody named Michael</p> <p>24 Ridell?</p> <p>25 A. Yes.</p>	<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 Q. He's The New York Post Broadway</p> <p>3 critic?</p> <p>4 A. Yes.</p> <p>5 Q. Would you consider him a likeable</p> <p>6 person?</p> <p>7 A. Yes.</p> <p>8 Q. Would you consider him your friend?</p> <p>9 A. No.</p> <p>10 Q. Well, is he someone you're</p> <p>11 comfortable asking a favor of?</p> <p>12 A. I'm not sure what do you mean by</p> <p>13 favor.</p> <p>14 Q. You asked to speak to him about a</p> <p>15 friend of yours who was an actress as to</p> <p>16 whether or not he could help her when a</p> <p>17 production West Side Story was being cast,</p> <p>18 didn't you?</p> <p>19 A. No.</p> <p>20 Q. Please take a look at Guzman</p> <p>21 Exhibit 15.</p> <p>22 This is an e-mail Bates number NYP</p> <p>23 '1781.</p> <p>24 (Defendant's Guzman Exhibit 15,</p> <p>25 document bearing Bates number NYP</p>
Page 208	Page 209
<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 '1781, marked for identification, as</p> <p>3 of this date.)</p> <p>4 MR. THOMPSON: Could you give him</p> <p>5 another copy?</p> <p>6 Q. Ms. Guzman, is this an e-mail that</p> <p>7 you sent to Michael Ridell on October 2008?</p> <p>8 A. Yes.</p> <p>9 Q. And did you say "PS, do you know</p> <p>10 whose casting the show? My friend, the</p> <p>11 actress that I mentioned to you, is</p> <p>12 interested"?</p> <p>13 A. Yes.</p> <p>14 Q. And you told him that you wanted to</p> <p>15 chat about West Side Story, right?</p> <p>16 A. Yes.</p> <p>17 Q. So, you were comfortable talking to</p> <p>18 him; were you not?</p> <p>19 A. I was comfortable talking to him.</p> <p>20 Q. And you were comfortable asking him</p> <p>21 about who was casting West Side Story, right?</p> <p>22 A. Yes.</p> <p>23 Q. Did you ever call him baby in the</p> <p>24 office?</p> <p>25 A. I'm not sure I called him baby.</p>	<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 Q. You're here to be deposed about</p> <p>3 this case and you're going to need to state</p> <p>4 your recollection as to whether or not you --</p> <p>5 A. I understand.</p> <p>6 Q. -- you called him baby?</p> <p>7 MR. THOMPSON: Objection.</p> <p>8 A. And I'm telling you that I'm not</p> <p>9 sure if I called him baby.</p> <p>10 Q. Ms. Guzman, it is not -- it is not</p> <p>11 avoiding lying under oath by saying you don't</p> <p>12 recall something --</p> <p>13 MR. THOMPSON: Objection.</p> <p>14 Q. That you don't want to give the</p> <p>15 answer to.</p> <p>16 MR. THOMPSON: Objection.</p> <p>17 Q. If you did something and you say --</p> <p>18 and you know it and you say that you don't</p> <p>19 remember, that's lying, Ms. Guzman.</p> <p>20 MR. THOMPSON: Objection.</p> <p>21 A. If I would recall having called him</p> <p>22 babe, I would tell you yes, but because I</p> <p>23 don't recall, I can't tell you yes. And</p> <p>24 that's an honest answer.</p> <p>25 Q. Were you friendly with him in the</p>

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<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 office?</p> <p>3 A. Yes.</p> <p>4 Q. Did you consider him somebody that</p> <p>5 harassed you?</p> <p>6 A. Yes.</p> <p>7 Q. And that harassment stemmed from</p> <p>8 his singing a song from West Side Story; is</p> <p>9 that correct?</p> <p>10 A. He sang in a Spanish accent, "I</p> <p>11 want to live in America" every time he would</p> <p>12 walk past my office or into my office.</p> <p>13 Q. And you consider that racial</p> <p>14 harassment, Ms. Guzman?</p> <p>15 A. Yes.</p> <p>16 Q. From the Broadway critic, from The</p> <p>17 New York Post, right?</p> <p>18 A. Was he singing that to other</p> <p>19 people?</p> <p>20 Q. Ms. Guzman, you don't get to ask</p> <p>21 questions.</p> <p>22 MR. THOMPSON: She was explaining</p> <p>23 her answer, Mr. Lerner. You don't get</p> <p>24 to cut her off in the middle of an</p> <p>25 answer.</p>	<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 Q. Did he sing other songs in the</p> <p>3 office besides songs from West Side Story?</p> <p>4 A. The only tunes he sang were from</p> <p>5 West Side Story, and he did it in a Spanish</p> <p>6 accent.</p> <p>7 Q. You never heard him sing from other</p> <p>8 musicals in the office, Ms. Guzman?</p> <p>9 A. Not to me.</p> <p>10 Q. Not to you, but what about to</p> <p>11 himself or to other people. You never heard</p> <p>12 him sing another song from another musical?</p> <p>13 MR. THOMPSON: You have to answer</p> <p>14 verbally.</p> <p>15 A. No.</p> <p>16 Q. Isn't it a fact that he would sing</p> <p>17 songs from lots of Broadway musicals?</p> <p>18 A. Not to me.</p> <p>19 Q. Where was he when he was singing</p> <p>20 songs from West Side Story?</p> <p>21 A. On the ninth floor in front of my</p> <p>22 office or inside my office, as he was walking</p> <p>23 into my office.</p> <p>24 Q. Did you and he talk about how much</p> <p>25 you both liked West Side Story?</p>
Page 212	Page 213
<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 A. He talked about how much he liked</p> <p>3 West Side Story. I'm not such a big fan of</p> <p>4 West Side Story.</p> <p>5 Q. And did you think, Ms. Guzman, when</p> <p>6 he was doing this that Michael Ridell was</p> <p>7 doing this to harass you in a racially</p> <p>8 harassing way, in a hateful way?</p> <p>9 A. Yes.</p> <p>10 MR. THOMPSON: Objection.</p> <p>11 Q. You believe that Mr. Ridell hated</p> <p>12 you because you were Hispanic?</p> <p>13 MR. THOMPSON: Objection.</p> <p>14 A. I think he was making fun of my</p> <p>15 people and he didn't sing any Jewish tunes.</p> <p>16 He didn't sing any other tunes to me. So, he</p> <p>17 wasn't expressing his knowledge of all these</p> <p>18 Broadway tunes. Why was he specifically</p> <p>19 singing to me in the Spanish accent, the tunes</p> <p>20 of West Side Story?</p> <p>21 Q. Well, did you know that West Side</p> <p>22 Story -- that the production of West Side</p> <p>23 Story that was most recently brought on</p> <p>24 Broadway was a production that utilized</p> <p>25 Spanish speaking actors and was much more</p>	<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 heavy -- much more heavy used Spanish than</p> <p>3 prior productions of West Side Story? Did you</p> <p>4 know that?</p> <p>5 A. Yes.</p> <p>6 Q. And the actors and actresses spoke</p> <p>7 their lines with Spanish accent?</p> <p>8 A. In the original version they did.</p> <p>9 Q. And in the current production of</p> <p>10 West Side Story that was current at that time,</p> <p>11 they did as well; did they not?</p> <p>12 A. I did not see it.</p> <p>13 Q. But wasn't that sort of a famously</p> <p>14 talked about, about this particular</p> <p>15 production, that it heavily emphasized the</p> <p>16 Spanish language?</p> <p>17 MR. THOMPSON: Objection.</p> <p>18 A. West Side Story is famously racist</p> <p>19 and stereotypical of Puerto Ricans.</p> <p>20 Q. Did you tell Mr. Ridell that you</p> <p>21 believed that?</p> <p>22 A. Yes.</p> <p>23 Q. What did you say to him?</p> <p>24 A. I said, do you realize how racist</p> <p>25 West Side Story is.</p>

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1 SANDRA GUZMAN-10/13/11  
 2 Q. And when did you say that?  
 3 A. When he would sing these songs.  
 4 Q. Did you ask him to stop singing  
 5 these songs?  
 6 A. I did not.  
 7 Q. And did you think he was -- did he  
 8 seem happy when he was singing these songs?  
 9 MR. THOMPSON: Objection.  
 10 A. I don't know.  
 11 Q. I mean, was he in a good mood when  
 12 he was singing them or was he in a bad mood  
 13 when he was singing them?  
 14 MR. THOMPSON: Objection.  
 15 A. I don't know.  
 16 Q. What was your impression of him?  
 17 A. That he was making fun of my  
 18 culture. That he was making fun of my people.  
 19 Q. Why; why?  
 20 MR. THOMPSON: Objection. She's  
 21 not finished answering. You must let  
 22 her answer. Please don't interrupt  
 23 her. Are you finished, Ms. Guzman?  
 24 THE WITNESS: No.  
 25 MR. THOMPSON: Please continue.

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1 SANDRA GUZMAN-10/13/11  
 2 America". And he sang it with a stupid  
 3 Spanish accent.  
 4 Q. Well, isn't that -- isn't that  
 5 accent, the accent that was used by the  
 6 actresses that sang that song in the Broadway  
 7 production that was cast at this time?  
 8 A. We're talking about the way he was  
 9 singing. It was the way the original  
 10 version -- I did not see the -- I don't  
 11 remember seeing the new musical, the new --  
 12 Q. Go ahead.  
 13 A. The new musical. I was offended  
 14 that every time Michael went into my office  
 15 that's the song that he chose to sing to me in  
 16 a Spanish accent. He never chose to sing a  
 17 song from Phantom of the Opera. He never  
 18 chose to sing a song from Wicket or Rent.  
 19 Why did he choose to sing "I Want  
 20 To Live In America" where, you know, on this  
 21 Broadway show, Puerto Ricans are depicted in  
 22 such a negative light.  
 23 Q. Perhaps because it's one of the  
 24 famous tunes to come out of Broadway.  
 25 A. I don't know. I felt it was

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1 SANDRA GUZMAN-10/13/11  
 2 A. When you choose one of the racially  
 3 controversial Broadway musicals in the history  
 4 of Broadway where Puerto Ricans are portrayed  
 5 as criminals. Where they speak -- where they  
 6 show switchblades, okay, and it's the only  
 7 Broadway show, and the only Broadway tune that  
 8 you choose to sing to the only Hispanic female  
 9 editor every time you approach her, I  
 10 thought -- I thought this man is making fun of  
 11 my people. I thought this is discriminatory.  
 12 Q. How many times did he do it?  
 13 A. Many, many times?  
 14 Q. How many?  
 15 A. Many, many times.  
 16 Q. How many?  
 17 A. I'm not going to give you a number  
 18 because he did it many, many, many times.  
 19 Q. And other than the fact that he did  
 20 it many times, what makes you think that he  
 21 was doing it to make fun of you?  
 22 A. Because he did not choose any other  
 23 Broadway musical to sing to me. The only  
 24 musical that he sang to me -- the only song he  
 25 kept singing to me was "How I Want To Live in

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1 SANDRA GUZMAN-10/13/11  
 2 racist.  
 3 Q. Ms. Guzman, you never saw "I Want  
 4 To Live In America" performed by the cast of  
 5 West Side Story in the last few years?  
 6 A. I don't remember if I saw -- I may  
 7 have seen -- I don't really remember if I saw  
 8 the original version. Maybe I have seen it.  
 9 Q. Isn't it --  
 10 A. Yeah.  
 11 Q. You were the editor of the  
 12 Thanksgiving parade issue -- the last  
 13 Thanksgiving parade issue before you left The  
 14 Post; were you not?  
 15 A. I believe so.  
 16 Q. Was "I Want To Live In America"  
 17 performed by the cast of West Side Story  
 18 during the Thanksgiving Day parade? Did you  
 19 see that?  
 20 A. The performance? Did I see the  
 21 performance?  
 22 Q. Yes.  
 23 A. Of the West Side Story?  
 24 Q. Of "I Want To Live In America" by  
 25 the cast of West Side Story?

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<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 A. I didn't go to the parade.</p> <p>3 Q. Did you watch it on television?</p> <p>4 A. Probably not. I was probably</p> <p>5 cooking.</p> <p>6 Q. Aren't you a fan of Chita Rivera's</p> <p>7 performance in the original Broadway</p> <p>8 production?</p> <p>9 A. I'm a fan of Chita Rivera in</p> <p>10 general.</p> <p>11 Q. Isn't she famously known to for her</p> <p>12 performance in the role of singing "I Want To</p> <p>13 Live In America"?</p> <p>14 A. It's not one of my favorite roles</p> <p>15 that she did.</p> <p>16 Q. Has Mr. Riedel ever done anything</p> <p>17 else to offend you besides this?</p> <p>18 A. Not that I can think of at this</p> <p>19 time.</p> <p>20 Q. And was he the Broadway critic for</p> <p>21 the Washington -- for the -- sorry; New York</p> <p>22 Post for the entire time that you were at The</p> <p>23 New York Post?</p> <p>24 A. There was an another theater</p> <p>25 critic.</p>	<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 Q. But Mr. Riedel was there?</p> <p>3 A. He was the main -- the main</p> <p>4 Broadway theater critic.</p> <p>5 Q. And you were there for seven years,</p> <p>6 correct?</p> <p>7 A. I was there from 2003 to 2009.</p> <p>8 Q. And in all of that time, this is</p> <p>9 the one thing that he did that offended you,</p> <p>10 right?</p> <p>11 A. Every time I saw him that's the --</p> <p>12 these are the songs that he chose to sing to</p> <p>13 me.</p> <p>14 Q. But you never asked him to stop?</p> <p>15 A. I would just steer him in a</p> <p>16 different kind of conversation. What's up.</p> <p>17 Tell me about what's happening on Broadway.</p> <p>18 Q. Did you ever socialize with him</p> <p>19 outside the workplace?</p> <p>20 A. I don't remember, no.</p> <p>21 Q. Did you ever go to Langan's with</p> <p>22 him?</p> <p>23 A. No, I never walked out and -- maybe</p> <p>24 I was at Langan's and I was there, but I don't</p> <p>25 remember.</p>
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<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 Q. Did you ever do karaoke night at</p> <p>3 Langan's?</p> <p>4 A. I never did karaoke night at</p> <p>5 Langan's, no.</p> <p>6 Q. Did you ever sing with Mr. Riedel</p> <p>7 at Langan's?</p> <p>8 A. No.</p> <p>9 Q. Where -- how far away was his</p> <p>10 office -- from your office on the ninth floor</p> <p>11 of The Post?</p> <p>12 A. So, Mr. Riedel did not have an</p> <p>13 office. He had a cubicle. So, I had an</p> <p>14 office. And if I yelled at him to come to me</p> <p>15 standing in my office, he probably would not</p> <p>16 have been able to hear me. That's how far it</p> <p>17 was. Or if he yelled at me to come to him or</p> <p>18 asked me to come from his cubicle, I would not</p> <p>19 be able to hear him.</p> <p>20 Q. Did you have to pass him on your</p> <p>21 way to the restroom?</p> <p>22 A. No.</p> <p>23 Q. Did he have to pass you on the way</p> <p>24 to his restroom?</p> <p>25 A. Yes.</p>	<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 Q. And did he sing -- your testimony</p> <p>3 is that he sang every time he passed by your</p> <p>4 office?</p> <p>5 A. Most of the time he would peek in</p> <p>6 and that was his favorite thing to say to me.</p> <p>7 Instead of saying, hi, Sandra, how are you</p> <p>8 today, he would sing the stupid song in a</p> <p>9 stupid accent.</p> <p>10 Q. And can you give us your best</p> <p>11 estimate as to how many times he did that?</p> <p>12 MR. THOMPSON: Objection.</p> <p>13 A. I don't want to estimate, Mr.</p> <p>14 Lerner. I think I don't want to be wrong.</p> <p>15 But it was many, many times when he was in the</p> <p>16 office and I was in the office and my door was</p> <p>17 open.</p> <p>18 Q. Well, was it more or less than a</p> <p>19 dozen times?</p> <p>20 A. I'm not going to give you a number.</p> <p>21 Q. You cannot tell us that it was more</p> <p>22 or less than a dozen?</p> <p>23 A. I could tell you it was many, many</p> <p>24 times.</p> <p>25 Q. But it could be less than a dozen?</p>



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1 SANDRA GUZMAN-10/13/11  
 2 A. No, I could tell you that it was  
 3 many, many times.  
 4 Q. You couldn't tell us if it was more  
 5 or less than a dozen?  
 6 A. Less than a dozen is not many  
 7 times. Many, many times.  
 8 Q. You said in 54 of the Amended  
 9 Complaint that a woman you later identified as  
 10 Ann --  
 11 MR. THOMPSON: Paragraph 54, page  
 12 12.  
 13 Q. Ms. Guzman, I have one more  
 14 question regarding Mr. Ridell.  
 15 A. Okay.  
 16 Q. Did you ever complain to human  
 17 resources about Mr. Ridell singing songs from  
 18 West Side Story to you?  
 19 A. I complained to Rick Ramirez about  
 20 this.  
 21 Q. Rick Ramirez is not near post HR?  
 22 A. Rick Ramirez is a lawyer for News  
 23 Corp. and he works in the diversity Counsel.  
 24 Q. Based in California?  
 25 A. And he would often call me and

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1 SANDRA GUZMAN-10/13/11  
 2 Q. Ms. Guzman, I'm not here to answer  
 3 any questions from you.  
 4 A. Oh, okay. Okay.  
 5 Q. You just need to answer the  
 6 questions that are put to you?  
 7 A. Okay, okay.  
 8 Q. Did you ever put anything about  
 9 Mr. Ridell offending you in a written  
 10 complaint?  
 11 A. No.  
 12 Q. So, in 54 of the Amended Complaint,  
 13 you state that, "A woman asked you if scented  
 14 candles in your office were related to the  
 15 religion of Santería, right?  
 16 A. Yes.  
 17 Q. That was Ann Aqualina?  
 18 A. Yes.  
 19 Q. Can you tell us who Ann Aqualina  
 20 is?  
 21 A. She is an editor at The New York  
 22 Post.  
 23 Q. And how old is Ms. Aqualina?  
 24 MR. THOMPSON: Objection.  
 25 A. I'm not really sure. She's maybe

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1 SANDRA GUZMAN-10/13/11  
 2 often visit.  
 3 Q. Based in California, right?  
 4 A. Yes.  
 5 Q. And did you ever tell Jennifer Jane  
 6 or Amy Shaldon, Linda Babicko or anybody else  
 7 in New York Post HR that you were offended by  
 8 Mr. Ridell singing this song?  
 9 A. When I met with Jennifer Jane in  
 10 February, it was my opportunity to tell her  
 11 about many different incidents, and I believe  
 12 I mentioned that incident to her.  
 13 Q. Prior to the publication of the  
 14 cartoon, did you ever tell anybody about it,  
 15 anybody from HR?  
 16 A. No, but I told this lawyer who  
 17 worked for News Corp.  
 18 Q. Did you ask him to follow-up about  
 19 it?  
 20 A. I told him. I didn't ask him. You  
 21 keep showing me these News Corp. employment  
 22 rules. It says that you have to report it.  
 23 Does it say that I have to ask them to report  
 24 it? Does it say that I have to ask them to  
 25 report it or just to notify?

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1 SANDRA GUZMAN-10/13/11  
 2 in her sixties. I'm not really sure.  
 3 Q. Do you practice in your personal  
 4 life elements of the religion of Santería?  
 5 A. Elements of the Santería? What do  
 6 you mean?  
 7 Q. Yes. You practice -- you engage in  
 8 practices that are related to the religion of  
 9 Santería, correct?  
 10 A. I don't understand the question.  
 11 What are you --  
 12 Q. Do you practice the religion,  
 13 Santería?  
 14 A. I do not practice the religion.  
 15 I'm not an initiate of Santería.  
 16 Q. But do you have some practices that  
 17 derive from that religion?  
 18 A. Do I have some practices? I'm not  
 19 really sure what you're asking me. Am I a  
 20 practitioner of Santería, no.  
 21 Q. My question was, and I can read it  
 22 back, do you have some practices that derive  
 23 from that religion?  
 24 MR. THOMPSON: Objection.  
 25 A. I have different practices and



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<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 that's one of them.</p> <p>3 Q. Santería was your religion in early</p> <p>4 childhood, right?</p> <p>5 A. No.</p> <p>6 Q. Well, did you write in The Latina</p> <p>7 Bible that Santería was your religion in your</p> <p>8 early childhood?</p> <p>9 A. Catholicism was my grandmother --</p> <p>10 practiced it.</p> <p>11 Q. Well, your grandmother practiced</p> <p>12 Santería?</p> <p>13 A. Um-hum.</p> <p>14 MR. THOMPSON: You have to answer</p> <p>15 verbally.</p> <p>16 A. Yes, yes.</p> <p>17 Q. Did you write, "my emerging faith</p> <p>18 also brought me back to the African roots of</p> <p>19 my early childhood religion, Santería, and</p> <p>20 Espiritismo?</p> <p>21 A. Yes, I wrote that.</p> <p>22 Q. So, Santería is one of your early</p> <p>23 childhood religions?</p> <p>24 A. It brought me back to it, but that</p> <p>25 doesn't mean that I practiced it.</p>	<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 Q. Well, the question was what you --</p> <p>3 whether it was part of your early childhood?</p> <p>4 A. Yes.</p> <p>5 Q. And have you written that your</p> <p>6 lifestyle reflects a culmination of old world</p> <p>7 beliefs and new American ways and that you</p> <p>8 light candles to your Santos and Virginsitas?</p> <p>9 A. Yes.</p> <p>10 Q. And that you have a spiritual</p> <p>11 practice that borrows from Santería?</p> <p>12 A. Yes.</p> <p>13 Q. When did the conversation with</p> <p>14 Ms. Aqualina you referred to in the Complaint</p> <p>15 occur?</p> <p>16 A. I don't remember the exact date.</p> <p>17 Q. Do you remember the year?</p> <p>18 A. I'm not really sure.</p> <p>19 Q. Was anyone else present?</p> <p>20 A. She was walking by my office.</p> <p>21 Q. What did she say?</p> <p>22 A. I had lit a candle, a scented</p> <p>23 candle because the office was smelly and she</p> <p>24 peered in she said, oh, is that a Santería</p> <p>25 candle. Is that voodoo.</p>
Page 228	Page 229
<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 Kind of, like, again, making fun of</p> <p>3 a scented candle that was lit in the office to</p> <p>4 make the office smell better. She equated it</p> <p>5 to something mysterious and kind of, like,</p> <p>6 weird.</p> <p>7 Q. And your testimony is that you</p> <p>8 thought she was making fun of you?</p> <p>9 A. I thought she was making fun of a</p> <p>10 religion, a legitimate religion.</p> <p>11 Q. Was she making fun of you?</p> <p>12 A. And I felt she was making fun of me</p> <p>13 because I had lit the candle and it was in my</p> <p>14 office.</p> <p>15 Q. You think she meant to say</p> <p>16 something that disturbed you or do you think</p> <p>17 she meant it innocently?</p> <p>18 A. I don't think she meant to law it,</p> <p>19 to celebrate it. I she meant it to make fun</p> <p>20 of me.</p> <p>21 Q. In your Complaint, paragraph 54,</p> <p>22 you write that a high ranking white editor</p> <p>23 falsely accused you of engaging in Santería, a</p> <p>24 term intended to demean certain Hispanic and</p> <p>25 African religions by suggesting that her</p>	<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 scented candles represented witchcraft and</p> <p>3 voodoo.</p> <p>4 Do you see that?</p> <p>5 A. I see it.</p> <p>6 Q. Do you believe that this term</p> <p>7 "Santería" itself is intended to demean</p> <p>8 certain Hispanic and African religion?</p> <p>9 A. It depends what context it's used,</p> <p>10 but, yes.</p> <p>11 Q. Do you have reason to believe that</p> <p>12 Ms. Aqualina used the word "Santería" to</p> <p>13 demean the Hispanic and African religion?</p> <p>14 A. If she -- the way she said it and</p> <p>15 if she equates it with voodoo, yes.</p> <p>16 Q. Well, you didn't quote her in the</p> <p>17 Complaint as referring to voodoo, did you?</p> <p>18 A. It's not in the Complaint.</p> <p>19 Q. Ms. Guzman, is it common to see</p> <p>20 employees at The New York Post burn candles in</p> <p>21 their office?</p> <p>22 A. Common? What do you mean by</p> <p>23 "common"?</p> <p>24 Q. Well, I mean when you walk around</p> <p>25 an office, you know, an office situation,</p>

<p style="text-align: right;">Page 230</p> <p>1 SANDRA GUZMAN-10/13/11</p> <p>2 typically, do you see people burning candles</p> <p>3 in their offices?</p> <p>4 A. Some in the features department did</p> <p>5 on the ninth floor.</p> <p>6 Q. Did you think it was appropriate to</p> <p>7 light a candle in your office?</p> <p>8 A. Yes. A scented candle, yes.</p> <p>9 Q. Was Ms. Aquilina aware that you</p> <p>10 practiced Santería?</p> <p>11 MR. THOMPSON: Objection.</p> <p>12 A. I don't know.</p> <p>13 Q. Did you ask her what she meant by</p> <p>14 her comment?</p> <p>15 A. No.</p> <p>16 Q. Did you tell her you were offended</p> <p>17 by it?</p> <p>18 A. No.</p> <p>19 Q. Did it ever happen again?</p> <p>20 A. No.</p> <p>21 Q. Did you complain to anybody about</p> <p>22 it when it happened?</p> <p>23 A. This is part of the patterns that I</p> <p>24 kept seeing coming up in my experience in the</p> <p>25 environment at The Post. Yes, I did.</p>	<p style="text-align: right;">Page 231</p> <p>1 SANDRA GUZMAN-10/13/11</p> <p>2 Q. Who did you complain to?</p> <p>3 A. I mention I complained about the</p> <p>4 incident to Rick, to Mitsy, actually, Wilson</p> <p>5 and several other people.</p> <p>6 Q. You specifically mentioned</p> <p>7 Ms. Aquilina in your conversations with Rick</p> <p>8 and Mitsy?</p> <p>9 A. Yes.</p> <p>10 Q. And did you tell them that you</p> <p>11 thought this was some sort of harassment?</p> <p>12 A. I thought it was discriminatory</p> <p>13 because --</p> <p>14 Q. No, no, no. My question is: Did</p> <p>15 you tell them that you thought that it was</p> <p>16 harassment?</p> <p>17 A. Yes.</p> <p>18 Q. Did they agree with you? Did they</p> <p>19 react?</p> <p>20 MR. THOMPSON: Objection.</p> <p>21 A. They seemed to at the time.</p> <p>22 Q. Did you ever complain in writing</p> <p>23 about it?</p> <p>24 A. No.</p> <p>25 Q. Did you take any notes about it?</p>
<p style="text-align: right;">Page 232</p> <p>1 SANDRA GUZMAN-10/13/11</p> <p>2 A. I don't remember taking notes about</p> <p>3 it.</p> <p>4 Q. Did you ever take any notes about</p> <p>5 your complaint about Michael Riedel and West</p> <p>6 Side Story?</p> <p>7 A. I don't remember, no.</p> <p>8 Q. You testified that a female editor</p> <p>9 referred to Henry Louis Gates as an angry</p> <p>10 black man in the office; do you recall that?</p> <p>11 A. What paragraph is that?</p> <p>12 Q. I don't know, but do you recall</p> <p>13 making that allegation?</p> <p>14 A. Oh, yes.</p> <p>15 Q. Were you present for her statement?</p> <p>16 A. I was not.</p> <p>17 Q. Did you hear any part of the</p> <p>18 statement?</p> <p>19 A. No.</p> <p>20 Q. Did somebody tell you about it?</p> <p>21 A. Someone told me about it.</p> <p>22 Q. Who was that?</p> <p>23 A. Ebony Clark.</p> <p>24 Q. Have you ever worked with</p> <p>25 Ms. Ramsby?</p>	<p style="text-align: right;">Page 233</p> <p>1 SANDRA GUZMAN-10/13/11</p> <p>2 A. No.</p> <p>3 Q. Do you know her position at The</p> <p>4 Post?</p> <p>5 A. She was the Sunday editor at the</p> <p>6 time where I worked. And I believe she was</p> <p>7 promoted to -- I don't know the exact title,</p> <p>8 but to work in The Daily News paper.</p> <p>9 Q. Have you ever spoken to her about</p> <p>10 Henry Louis Gates?</p> <p>11 A. No.</p> <p>12 Q. Have you ever spoken to her about</p> <p>13 race?</p> <p>14 A. No.</p> <p>15 Q. Has she ever called you a racial</p> <p>16 name?</p> <p>17 A. No.</p> <p>18 Q. Have you ever filed any complaints</p> <p>19 about her?</p> <p>20 A. No.</p> <p>21 Q. Are you aware of anybody else</p> <p>22 complaining about Ms. Ramsby?</p> <p>23 A. I'm sorry, I didn't hear the</p> <p>24 question.</p> <p>25 Q. Are you aware of anybody else</p>

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<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 45 of your Amended Complaint?</p> <p>3 A. Page 1045?</p> <p>4 Q. Paragraph 45.</p> <p>5 MR. THOMPSON: Page 10.</p> <p>6 A. Okay.</p> <p>7 Q. In the second sentence there's an</p> <p>8 incident described in paragraph 45 about a</p> <p>9 white male editor who propositions a copy</p> <p>10 system, right?</p> <p>11 A. Yes.</p> <p>12 Q. Do you have any personal knowledge</p> <p>13 about that incident?</p> <p>14 A. Can you define personal knowledge</p> <p>15 again.</p> <p>16 Q. You were not present --</p> <p>17 A. I was not present.</p> <p>18 Q. -- for that incident, right?</p> <p>19 Did you ever speak to the white</p> <p>20 male senior editor referred to in this</p> <p>21 paragraph about it?</p> <p>22 A. No.</p> <p>23 Q. Did you ever speak to the copy</p> <p>24 assistant that's referred to in this paragraph</p> <p>25 about it?</p>	<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 A. No.</p> <p>3 Q. Did you ever speak to anybody in HR</p> <p>4 about it?</p> <p>5 A. No.</p> <p>6 Q. Where does your information and</p> <p>7 belief about this come from?</p> <p>8 A. The day after it happened, it</p> <p>9 spread like wildfire. The day after Paul</p> <p>10 McCollum told Jennifer Winter, if you give me</p> <p>11 a blowjob, I will give you a permanent</p> <p>12 reporter job, she told a bunch of people and</p> <p>13 the news spread like wildfire. I heard it</p> <p>14 from various people in the news room.</p> <p>15 Q. Did you ever bring it to the</p> <p>16 attention of HR?</p> <p>17 A. It was one of the incidents.</p> <p>18 Q. Yes or no?</p> <p>19 A. Yes.</p> <p>20 Q. When did you do that?</p> <p>21 A. In February.</p> <p>22 Q. Of what year?</p> <p>23 A. 2009.</p> <p>24 Q. When did the incident occur?</p> <p>25 A. I don't remember right now what</p>
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<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 year.</p> <p>3 Q. So, it was in a prior year?</p> <p>4 A. I don't remember what year.</p> <p>5 Q. Well, you didn't bring it to the</p> <p>6 attention of HR when you learned about it,</p> <p>7 right?</p> <p>8 A. No.</p> <p>9 Q. So, do you have any personal</p> <p>10 knowledge regarding why Poochie Meir was</p> <p>11 terminated?</p> <p>12 MR. THOMPSON: Objection.</p> <p>13 A. Poochie Meir told me that she felt</p> <p>14 that Col Allan was discriminating against her</p> <p>15 because she was an old woman and that he</p> <p>16 didn't like working with women. Poochie Meir</p> <p>17 told me that.</p> <p>18 Q. What was Poochie Myers' job at The</p> <p>19 Post?</p> <p>20 A. At the time, she was travel editor.</p> <p>21 Q. And did you and she ever work</p> <p>22 together?</p> <p>23 A. Our years are coincided by a couple</p> <p>24 of months. She left.</p> <p>25 Q. Shortly after you left The Post?</p>	<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 A. Shortly after, yes.</p> <p>3 Q. In 2003?</p> <p>4 A. Yes.</p> <p>5 Q. So, you don't have any personal</p> <p>6 knowledge regarding her relationship with</p> <p>7 Col Allan, do you, other than what she told</p> <p>8 you?</p> <p>9 A. I wasn't present when -- no.</p> <p>10 Q. And do you know if she was fired or</p> <p>11 left voluntarily?</p> <p>12 A. I don't know the facts. I know</p> <p>13 what she told me.</p> <p>14 Q. Do you know what, if any,</p> <p>15 complaints she lodged at The Post?</p> <p>16 A. What I know is that during a</p> <p>17 regular staff meeting, Mr. Allan was not happy</p> <p>18 with the list of news items that she had</p> <p>19 offered and referring to her said, you know,</p> <p>20 you can't teach an old bitch new tricks. And</p> <p>21 she felt that that was directly directed at</p> <p>22 her.</p> <p>23 Q. When you say, "I know what I know,"</p> <p>24 what you mean is Ms. Meir told you?</p> <p>25 A. What Ms. Meir told me, yes. I</p>

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1 SANDRA GUZMAN-10/13/11  
 2 discussion was held.)  
 3 THE VIDEOGRAPHER: The time is  
 4 5:52 p.m. We're back on the record.  
 5 BY MR. LERNER:  
 6 Q. Ms. Guzman, we just took a short  
 7 break. Are you ready to proceed?  
 8 A. Yes.  
 9 Q. Ms. Guzman, I'm going to ask you  
 10 this question again and ask you to answer it.  
 11 Is it your view that there are two types of  
 12 Latinos, those you sleep with and that's all  
 13 you do, and those you want to sleep with and  
 14 talk to after you slept with them, men you  
 15 want to keep around, los medos medos. Is that  
 16 your view?  
 17 A. Yes.  
 18 Q. And you believe that -- is that  
 19 true of all men or just Latino men?  
 20 A. I was referring to Latinos in that  
 21 section.  
 22 Q. So, basically Latino men -- you  
 23 want to sleep with all Latino men, there's  
 24 just those that you don't want to talk to and  
 25 those that you do want to talk to; is that

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1 SANDRA GUZMAN-10/13/11  
 2 A. No.  
 3 Q. You don't think that's offensive to  
 4 men?  
 5 A. No.  
 6 Q. You don't think it's offensive to  
 7 Latino men?  
 8 A. No.  
 9 Q. You don't think it's offensive to  
 10 men in general?  
 11 A. No.  
 12 Q. You don't think it's offensive to  
 13 Latina women?  
 14 A. No.  
 15 Q. What does the "chuleria" mean?  
 16 A. Sweetness.  
 17 Q. So, if you say if you feel for a  
 18 second that besides jumping his chuleria, hold  
 19 off and don't kick it on the first date.  
 20 So when you say jump his chuleria,  
 21 does that mean have sex with him?  
 22 A. Yes.  
 23 Q. Would you consider it offensive if  
 24 a white woman said this; said what you said  
 25 about Latino men?

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1 SANDRA GUZMAN-10/13/11  
 2 correct?  
 3 MR. THOMPSON: Objection.  
 4 Q. Is that your view?  
 5 A. No.  
 6 Q. Well, you said there's two types of  
 7 Latinos, those that you sleep with and that's  
 8 all you do, and those you sleep with and want  
 9 to talk to after you sleep with them. Those  
 10 are the two types you wrote about.  
 11 A. Right. You asked when -- if I want  
 12 to sleep with all Latino men. I was  
 13 answering, no, I don't.  
 14 Q. This is an advice book?  
 15 A. It's a self help book for Latinas.  
 16 Q. And you gave -- and you're giving  
 17 this advice to other Latina women, right?  
 18 A. Yes.  
 19 Q. And you don't think that it's  
 20 sexist to refer to Latino men as those that  
 21 you sleep with and that's all you do, and  
 22 those you want to sleep with and talk to after  
 23 you've slept with them?  
 24 A. No.  
 25 Q. You don't think that's sexist?

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1 SANDRA GUZMAN-10/13/11  
 2 MR. THOMPSON: Objection.  
 3 A. No.  
 4 Q. So, if a white person said or white  
 5 woman said there's two types of Latinos, those  
 6 that you sleep with that's all you do and  
 7 those you sleep with and talk to them, you  
 8 would not find that to be racist?  
 9 MR. THOMPSON: Objection.  
 10 A. No.  
 11 Q. But you believe it's racist or  
 12 sexist, rather, to have somebody tell you that  
 13 you're beautiful?  
 14 A. I believe it's sexist for somebody  
 15 to lick his lips, look at me up and down and  
 16 every time he sees me all he wants to talk  
 17 about is not the work that I do, but how I  
 18 look and what I'm wearing and how sexy I look  
 19 in what I'm wearing. I believe it's sexist for  
 20 somebody to engage me in that kind of  
 21 conversation at work.  
 22 Q. That's not what I asked you.  
 23 A. Okay.  
 24 Q. It's a yes or no question.  
 25 MR. THOMPSON: She answered the

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1 SANDRA GUZMAN-10/13/11  
 2 and laughing and I find it  
 3 disrespectful.  
 4 Q. Ms. Guzman, you're familiar with  
 5 Lanigan's, right?  
 6 A. I am.  
 7 Q. And you go to Lanigan's with  
 8 friends after work, right?  
 9 A. On occasion I did.  
 10 Q. And you were at Lanigan's one night  
 11 with Julie Frady, Mackenzie Dawson and Mandy  
 12 Sadmiller, when you, Mandy and Mackenzie, but  
 13 not Julie, became competitive about your  
 14 breast and nipples and then lifted up your  
 15 blouses in front of a mirror to compare and  
 16 show your breasts to one another?  
 17 A. We were in the bathroom and we were  
 18 washing our hands and it was Mandy and it was  
 19 me. Mackenzie was not there. And by the way,  
 20 Mandy is a comedian.  
 21 Q. Isn't it a fact that you were in a  
 22 conversation with them at the bar and there  
 23 was a discussion about breasts and that you --  
 24 the three of you went to the bathroom to  
 25 reveal yourself to one another and compare

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1 SANDRA GUZMAN-10/13/11  
 2 A. Yes.  
 3 Q. Did you go to the bathroom with  
 4 Mandy to compare your breast and nipples?  
 5 A. No. Mandy is a sex health writer  
 6 and many of the conversations and jokes were  
 7 sexually suggestive.  
 8 Q. Did you tell male colleagues that  
 9 you worked with after you did it that you had  
 10 shown your breasts to one another?  
 11 A. No.  
 12 Q. When you came out of the bathroom  
 13 after comparing your breasts with Mandy, did  
 14 you tell anybody about what you had done?  
 15 A. No.  
 16 Q. So, other people that described  
 17 those conversations of your telling people  
 18 about it would be lying?  
 19 A. I don't know what they said. I  
 20 don't know what they revealed.  
 21 Q. Well, they revealed all the facts  
 22 that I'm asking questions about.  
 23 A. Can you tell me what they said?  
 24 Can you show me was there an Affidavit, a  
 25 document that I can read?

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1 SANDRA GUZMAN-10/13/11  
 2 your breasts and nipples?  
 3 A. Not the three of us.  
 4 Q. Do you consider that conduct  
 5 appropriate?  
 6 A. It was an exchange between two  
 7 colleagues and she's a comedian and it was --  
 8 she's a comedian. It's sort of the way I  
 9 communicated with Mandy.  
 10 Q. Did you claim to have the best  
 11 nipples in the group?  
 12 A. I claimed to. Maybe I did. I  
 13 don't remember.  
 14 Q. And Mackenzie -- if Mackenzie  
 15 recalls standing in front of the mirror  
 16 lifting up her shirt with you and Mandy and  
 17 the three of you having this contest, she's  
 18 lying?  
 19 A. I don't remember Mackenzie being  
 20 there.  
 21 Q. Could she have been there?  
 22 A. I could tell you she was at the  
 23 bar, but she wasn't in the bathroom.  
 24 Q. You recall she was at the bar, but  
 25 didn't go to the bathroom with you and Mandy?

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1 SANDRA GUZMAN-10/13/11  
 2 Q. Well, Ms. Guzman, we've established  
 3 that you stood in front of the mirror at a bar  
 4 after work with Mandy Sadmiller, a work  
 5 colleague, and bared your breasts.  
 6 MR. THOMPSON: Objection.  
 7 Q. With Ms. Sadmiller, right?  
 8 MR. THOMPSON: Objection.  
 9 Objection.  
 10 Q. Is that correct?  
 11 A. What is the question?  
 12 MR. THOMPSON: Objection.  
 13 Q. The question is: Well, Ms. Guzman  
 14 we've established that you stood in front of  
 15 the mirror at a bar after work with Mandy  
 16 Sadmiller, a work colleague, and bared your  
 17 breasts.  
 18 A. Not at the bar.  
 19 Q. Well, the bathroom in the bar.  
 20 A. In the bathroom.  
 21 Q. And this is the same bar where you  
 22 claim you were offended by seeing a picture of  
 23 a naked man on a Blackberry screen?  
 24 A. Shown by my boss, yes.  
 25 Q. And that was offensive to you, but



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<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 standing in the bathroom and showing your</p> <p>3 breasts to another person is not offensive?</p> <p>4 A. To Mandy, my friend, no.</p> <p>5 Q. What about to Mandy and Mackenzie?</p> <p>6 A. Mackenzie was not there.</p> <p>7 Q. What was the result of your</p> <p>8 comparison of your breasts with Mandy?</p> <p>9 MR. THOMPSON: Objection.</p> <p>10 Q. Did you declare a winner?</p> <p>11 A. What do you mean.</p> <p>12 Q. Did you declare a winner?</p> <p>13 MR. THOMPSON: Objection.</p> <p>14 A. Did we declare a winner?</p> <p>15 Q. Yes.</p> <p>16 A. We each declared winners.</p> <p>17 Q. You each claimed to be the winner?</p> <p>18 A. Yes.</p> <p>19 Q. You claimed to have the best</p> <p>20 nipples and she claimed to have the best</p> <p>21 nipples?</p> <p>22 A. Yes.</p> <p>23 Q. Do you enjoy -- Ms. Guzman, you</p> <p>24 enjoy watching male strippers?</p> <p>25 A. Not particularly, no.</p>	<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 Q. Have you ever seen a male stripper</p> <p>3 perform?</p> <p>4 A. Yes.</p> <p>5 Q. Have you ever seen a male stripper</p> <p>6 named El Bistio or La Bistia perform?</p> <p>7 A. Yes.</p> <p>8 Q. He's a male stripper known for</p> <p>9 his --</p> <p>10 MR. THOMPSON: Say it.</p> <p>11 Q. -- large endowment?</p> <p>12 A. Yes.</p> <p>13 Q. And have you discussed El Bistio</p> <p>14 with a female colleague at work?</p> <p>15 A. I actually reported on El Bistio at</p> <p>16 work. It was a Page Six item.</p> <p>17 Q. And did you tell -- did you tell a</p> <p>18 female colleague that you have his phone</p> <p>19 number if she wanted it?</p> <p>20 A. I may have.</p> <p>21 Q. Did you comfort Mandy Sadmiller</p> <p>22 when she was breaking up with her boyfriend</p> <p>23 Elisha that if all else fails, you have El</p> <p>24 Bistio's business card?</p> <p>25 A. I was trying to cheer up a</p>
Page 288	Page 289
<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 colleague who was depressed because she was</p> <p>3 having relationship problems, and she was</p> <p>4 coming to me because she was feeling sad about</p> <p>5 her relationship falling apart. So, it was a</p> <p>6 metaphor for, you're going to be okay. You're</p> <p>7 going to be okay.</p> <p>8 Q. But you did say it?</p> <p>9 A. Yes.</p> <p>10 Q. And you've used foul language at</p> <p>11 work, haven't you?</p> <p>12 A. Foul language?</p> <p>13 Q. Yes. Four letter words, the</p> <p>14 F-word?</p> <p>15 A. What else?</p> <p>16 Q. Dick. D-I-C-K?</p> <p>17 A. I may have.</p> <p>18 Q. Didn't you tell one of your</p> <p>19 colleagues that your husband says that you act</p> <p>20 like your dick is bigger than his?</p> <p>21 A. Mandy, again, is writing a story,</p> <p>22 she's querying. I remember this. Mandy</p> <p>23 writes about irreverent subjects. She writes</p> <p>24 about sex and dating at The Post and she --</p> <p>25 Q. It's a yes or no question.</p>	<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 Ms. Guzman.</p> <p>3 A. Yes, yes, yes.</p> <p>4 Q. I'm going to show you Guzman</p> <p>5 Exhibit 17, Bates number NYP '3838.</p> <p>6 (Defendant's Guzman Exhibit 17,</p> <p>7 document bearing Bates number NYP</p> <p>8 '3838, marked for identification, as</p> <p>9 of this date.)</p> <p>10 Q. Have you had a chance to look at</p> <p>11 it?</p> <p>12 A. Yes.</p> <p>13 Q. And did you write the e-mail on top</p> <p>14 of this exhibit to Mandy Sadmiller saying, "I</p> <p>15 think my husband would def say he married a</p> <p>16 bitch, but not for attribution or publication.</p> <p>17 He says that I act like my dick is bigger than</p> <p>18 his."</p> <p>19 MR. THOMPSON: Objection.</p> <p>20 A. If you keep reading it says, "of</p> <p>21 course it's all said in a very joking manner."</p> <p>22 Q. And then it continues, "but I</p> <p>23 understand his profound feeling about bitchy</p> <p>24 ways"?</p> <p>25 A. Yes.</p>



<p style="text-align: right;">Page 318</p> <p>1 SANDRA GUZMAN-10/13/11</p> <p>2 questions about this? Okay, there you go.</p> <p>3 MR. THOMPSON: It's part of the</p> <p>4 exhibits.</p> <p>5 A. Can I have it? You're confusing</p> <p>6 me.</p> <p>7 Q. What's your definition of sexual</p> <p>8 harassment?</p> <p>9 A. My definition of sexual harassment</p> <p>10 at the workplace, when I am depicted as a sex</p> <p>11 object. When I am called sexy and when a man</p> <p>12 rubs his penis against female employees,</p> <p>13 touches them. When there's an environment</p> <p>14 where women don't feel comfortable because</p> <p>15 there's lewd and vulgar environment that keeps</p> <p>16 her from working there without feeling like</p> <p>17 she's being constantly humiliated, demeaned</p> <p>18 because of her gender.</p> <p>19 Q. Ms. Guzman, do you know a man named</p> <p>20 Steve Soldwedel?</p> <p>21 A. Yes.</p> <p>22 Q. Did you ever harass him?</p> <p>23 A. No.</p> <p>24 Q. I'm going to show you an e-mail</p> <p>25 that he wrote to you. It's going to be Guzman</p>	<p style="text-align: right;">Page 319</p> <p>1 SANDRA GUZMAN-10/13/11</p> <p>2 Exhibit 22, NYP '1739.</p> <p>3 (Defendant's Guzman Exhibit 22,</p> <p>4 document bearing Bates number NYP</p> <p>5 '1739, marked for identification, as</p> <p>6 of this date.)</p> <p>7 Q. And in this e-mail he wrote to you,</p> <p>8 "Sandra, you may think sexual harassment is</p> <p>9 something only men can do to women, but you</p> <p>10 crossed the line twice today. You don't know</p> <p>11 me nearly well enough to make aspersions about</p> <p>12 my sexuality. You may find it funny, but I</p> <p>13 finds it tasteless, rude and utterly</p> <p>14 disrespectful. Particularly for you to make</p> <p>15 your remarks in the company of others. Be</p> <p>16 thankful I have the tact to hold my tongue.</p> <p>17 You would not like to be on the receiving end</p> <p>18 of what your comments inspired me to say. If</p> <p>19 you continue to speak of me in such a base and</p> <p>20 disgusting manner, I'll continue not to</p> <p>21 retort, but this will be a matter for human</p> <p>22 resources."</p> <p>23 Did you receive that e-mail from</p> <p>24 him on or about October 31, '08?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 320</p> <p>1 SANDRA GUZMAN-10/13/11</p> <p>2 Q. And what did you do to</p> <p>3 Mr. Soldwedel that provoked him to respond to</p> <p>4 you and write this e-mail?</p> <p>5 A. I was -- we were working on a story</p> <p>6 about the new technology of DNA that allows</p> <p>7 human beings to discover their heritage and he</p> <p>8 was participating in the story. And there was</p> <p>9 a photo shoot in Central Park with five other</p> <p>10 people and I authorized a purchase of</p> <p>11 magazine -- of T-shirts and I bought a</p> <p>12 T-shirt. I guess this T-shirt that he wore</p> <p>13 was two or three sizes extra large and</p> <p>14 throughout the shoot, he kept complaining that</p> <p>15 his T-shirt was big. And what I said to him</p> <p>16 was, Steve, did you want a tighter T-shirt.</p> <p>17 I'm sorry, did you want a tighter T-shirt.</p> <p>18 Q. That's it?</p> <p>19 A. That's it.</p> <p>20 Q. And he -- your testimony is that</p> <p>21 that's what he -- provoked him to say you</p> <p>22 crossed the line twice, you made aspersions</p> <p>23 about his sexuality. That you were tasteless,</p> <p>24 rude and disrespectful?</p> <p>25 A. That's right.</p>	<p style="text-align: right;">Page 321</p> <p>1 SANDRA GUZMAN-10/13/11</p> <p>2 Q. And you wrote to him that you</p> <p>3 regretted that anything you said to him was</p> <p>4 felt as offensive to him, right?</p> <p>5 A. Yes, I was surprised. I was</p> <p>6 shocked.</p> <p>7 Q. I'm going to show you Guzman</p> <p>8 Exhibit 23, NYP '1670 and '1669. It's in</p> <p>9 reversed Bates order.</p> <p>10 (Defendant's Guzman Exhibit 23,</p> <p>11 document bearing Bates numbers '1669</p> <p>12 through '170, marked for</p> <p>13 identification, as of this date.)</p> <p>14 Q. I'm going to ask you a question</p> <p>15 about the e-mail at the top of the page. You</p> <p>16 can have a chance to look at it, but the</p> <p>17 question I'm going to ask you is why did you</p> <p>18 say it's clear from this picture that Steve is</p> <p>19 black?</p> <p>20 A. We were doing a story about DNA and</p> <p>21 heritage and race and this is like it's</p> <p>22 obviously that he could be black. He's</p> <p>23 obviously not black. We were trying to</p> <p>24 discover people's heritage through the DNA.</p> <p>25 Q. And were you trying to be funny?</p>

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<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 question because I'm not really understanding</p> <p>3 what you're trying to ask me.</p> <p>4 Q. If The Post hadn't published this</p> <p>5 cartoon, would you have filed in lawsuit?</p> <p>6 A. Yes.</p> <p>7 Q. What would you base it on?</p> <p>8 A. Sexism, retaliation. I complained</p> <p>9 about sexism in the workplace and racism in</p> <p>10 the workplace to HR, to members of the</p> <p>11 management team.</p> <p>12 The cartoon was one of the many</p> <p>13 examples that I personally experienced while</p> <p>14 working at The Post. Discriminatory</p> <p>15 experiences that other colleagues have</p> <p>16 experienced.</p> <p>17 Q. Ms. Guzman, you plead in your</p> <p>18 complaint that you -- that Rabinowitz and</p> <p>19 Frank Vinny, called protesters that were</p> <p>20 protesting the cartoon after it was published,</p> <p>21 dumb. What is the basis of your assertion</p> <p>22 that they said that?</p> <p>23 A. Actually, Col Allan and Ebony Clark</p> <p>24 was in his office, Col Allan's office.</p> <p>25 Q. We already covered that.</p>	<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 My question is how do you know what</p> <p>3 Rabinowitz and Vinny said?</p> <p>4 A. About the protestors?</p> <p>5 Q. Yes. You didn't hear that</p> <p>6 yourself, did you?</p> <p>7 A. It was told to me.</p> <p>8 Q. Who told you?</p> <p>9 A. Ebony Clark.</p> <p>10 Q. And you testified earlier that you</p> <p>11 had a meeting with Jennifer Jane that day</p> <p>12 about the cartoon, right?</p> <p>13 A. Yes.</p> <p>14 Q. It was on the day that the cartoon</p> <p>15 was published, right?</p> <p>16 A. I believe it was either the day or</p> <p>17 the day after.</p> <p>18 Q. And she came to your office,</p> <p>19 correct?</p> <p>20 A. Yes.</p> <p>21 Q. You didn't call on her to come to</p> <p>22 your office, right?</p> <p>23 A. Jennifer Jane -- I was walking out</p> <p>24 with a colleague and I bumped into her. And I</p> <p>25 was talking and being very emotional. Maybe I</p>
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<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 had teary eyes and she looked at me and all of</p> <p>3 all of us stopped talking. And later on, she</p> <p>4 came into my office and said, can I talk to</p> <p>5 you.</p> <p>6 Q. And where did -- and what did you</p> <p>7 say?</p> <p>8 A. I said yes, please. .</p> <p>9 Q. And where did you guys sit?</p> <p>10 A. In my office.</p> <p>11 Q. On a desk, at a couch? What kind</p> <p>12 of setting?</p> <p>13 A. She sat on the couch, and I sat at</p> <p>14 my chair.</p> <p>15 Q. What did she say to you?</p> <p>16 A. She wanted to talk to me about the</p> <p>17 cartoon. What she says what -- tell me what</p> <p>18 what's on your mind. Tell me what's going on.</p> <p>19 Q. Was she compassionate?</p> <p>20 A. She seemed compassionate. She said</p> <p>21 she said I saw you -- I saw you walking and</p> <p>22 you stopped talking and I was approaching. I</p> <p>23 want you to feel comfortable to talk to me.</p> <p>24 Q. And how long was your conversation</p> <p>25 with her?</p>	<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 A. It lasted about 45 minutes. It was</p> <p>3 the first time that I felt that I could unload</p> <p>4 myself to somebody from HR about all of the</p> <p>5 racism that I had experienced and the sexism.</p> <p>6 And how I felt about the monkey cartoon was</p> <p>7 not just racist to me, but to other employees</p> <p>8 of color, and in the newsroom. And how it</p> <p>9 displayed these are the people who approved</p> <p>10 the cartoon. These are the people who</p> <p>11 approved the publication of the cartoon.</p> <p>12 So, to me, I was explaining to her</p> <p>13 how I felt. That this was a very vivid</p> <p>14 example of the mindset of the racism of the</p> <p>15 people who ran this newspaper.</p> <p>16 Q. And during this meeting, did you --</p> <p>17 what did you expect would be -- withdrawn.</p> <p>18 Did you ask Ms. Jane to do anything</p> <p>19 in particular?</p> <p>20 A. I asked her to -- I asked her for a</p> <p>21 number of things. I asked her to conduct</p> <p>22 workshop trainings on sexual harassment and</p> <p>23 racism. I asked her to take a look at our</p> <p>24 recruitment efforts to hire more women and</p> <p>25 people of color in positions -- in editorial</p>

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1 SANDRA GUZMAN-10/13/11  
 2 making positions.  
 3 I asked her to please encourage the  
 4 editors to apologize to the employees of color  
 5 and other people who were offended by the  
 6 racist cartoon. To have an internal apology  
 7 and an external apology to the readers.  
 8 I asked her, you know, if I would  
 9 be retaliated against if I responded to the  
 10 hundreds and hundreds of letters that I was  
 11 receiving from people protesting the cartoon  
 12 and calling me racist.  
 13 In fact, I wrote a complaint that I  
 14 e-mailed to the people who were sending me and  
 15 accusing me of being racist because I  
 16 published this cartoon. I said, Jen, is this  
 17 going to get me fired? And she said you have  
 18 the right to -- to express yourself.  
 19 And several months later, I was let  
 20 go for complaining. So I told her many  
 21 things.  
 22 Q. Several months later you were let  
 23 go when Tempo was closed, right?  
 24 MR. THOMPSON: Objection. She  
 25 wasn't finished with her answer.

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1 SANDRA GUZMAN-10/13/11  
 2 Q. So, it wasn't automatic, it was  
 3 just similar responses that you manually sent  
 4 to everybody?  
 5 A. Yes.  
 6 Q. Did you tell Jesse Angelo that the  
 7 e-mail that you were sending out was actually  
 8 an automated response?  
 9 A. Jesse Angelo called to yell at me  
 10 and he asked me to take him off the e-mails.  
 11 He didn't want to receive them anymore.  
 12 Q. You included him as a cc?  
 13 A. He was included in the cc, yes.  
 14 Q. And did you tell him that it was an  
 15 automatic response?  
 16 A. I guess that one was. Must have  
 17 been that one.  
 18 Q. You just testified your responses  
 19 were manual, didn't you?  
 20 A. I just testified correctly that  
 21 some of these were automatic and some of these  
 22 not. This was a series of e-mails for many  
 23 days that followed -- many days that followed.  
 24 Q. Well, I asked you: "So, it wasn't  
 25 automatic, it was just similar responses that

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1 SANDRA GUZMAN-10/13/11  
 2 Mr. Lerner, again, you must let the  
 3 witness finish her answer.  
 4 Were you finished, Ms. Guzman?  
 5 A. So I told her many things during  
 6 that meeting. Many, many things. It was my  
 7 moment to -- I couldn't take it anymore. That  
 8 cartoon was the most painful example, come to  
 9 life, to what I was experiencing at The Post,  
 10 what other of my colleagues of color were  
 11 experiencing at The Post.  
 12 Q. Ms. Guzman, I asked you what you  
 13 asked her to do, and you've covered that.  
 14 A. Okay.  
 15 Q. On the day that the cartoon was  
 16 published -- withdrawn.  
 17 Did you put an automatic reply  
 18 message on your e-mail to respond to people  
 19 who sent you e-mails that day?  
 20 A. I kept -- every time I would  
 21 receive an e-mail, I kept sending the same  
 22 e-mail. And what I remember doing was copy  
 23 and pasting the same response and I received  
 24 e-mails throughout the day and throughout the  
 25 following weeks.

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1 SANDRA GUZMAN-10/13/11  
 2 you manually sent to everybody?  
 3 "ANSWER: Yes."  
 4 A. So, I want to clarify my answer.  
 5 Some of it was automatic and some of it was  
 6 manual.  
 7 (Defendant's Guzman Exhibit 24,  
 8 document bearing Bates number NYP  
 9 '1819, marked for identification, as  
 10 of this date.)  
 11 Q. Ms. Guzman, Exhibit 24, NYP '1819  
 12 has you telling Jesse Angelo --  
 13 MR. THOMPSON: Could you give us a  
 14 copy? You're giving it to the witness  
 15 without us seeing it. Thank you.  
 16 Q. You told him it's automatic, right?  
 17 So, you lied to Jesse?  
 18 A. I did not lie to Jesse.  
 19 Q. So, you're changing your testimony  
 20 that they weren't automatic?  
 21 A. I'm clarifying my testimony. Some  
 22 of the responses were automatic and some were  
 23 not. Jesse Angelo called and berated me for  
 24 receiving my complaints.  
 25 Q. Well, he was receiving the exact